

EXHIBIT 15

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

OMAR ARNOLDO RIVERA MARTINEZ;)
ISAAC ANTONIO LOPEZ CASTILLO;)
JOSUE VLADIMIR CORTEZ DIAZ; JOSUE)
MATEO LEMUS CAMPOS; MARVIN JOSUE)
GRANDE RODRIGUEZ; ALEXANDER ANTONIO)
BURGOS MEJIA; LUIS PEÑA GARCIA;)
JULIO CESAR BARAHONA CORNEJO, AS)
INDIVIDUALS,)
PLAINTIFFS,) CASE NO.:
VS.) 5:18-CV-01125-R-GJS
THE GEO GROUP, INC., A FLORIDA)
CORPORATION; THE CITY OF ADELANTO,)
A MUNICIPAL ENTITY; GEO LIEUTENANT)
DURAN, SUED IN HER INDIVIDUAL)
CAPACITY; GEO LIEUTENANT DIAZ,)
SUED IN HER INDIVIDUAL CAPACITY;)
GEO SERGEANT CAMPOS, SUED IN HIS)
INDIVIDUAL CAPACITY; SARAH JONES,)
SUED IN HER INDIVIDUAL CAPACITY;)
THE UNITED STATES OF AMERICA; AND)
DOES 1-10, INDIVIDUALS;)
DEFENDANTS.)
_____)
DEPOSITION OF LIEUTENANT JANE LYNN DIAZ
THURSDAY, MAY 9, 2019
JOB NO.: 3295953
REPORTED BY: CARLA J. AMBRIZ, CSR NO. 12504
TINA MARIE LITCHFIELD, CSR NO. 12409
Pages 1- 357

1 THE WITNESS: No.

2 BY MS. STEINBACK:

3 Q Do you understand the question?

4 A Yes, I understand the question. Like I said,
5 again, there's nothing in our policy stating that we are
6 not to deploy spray while they're in the segregation
7 cells.

8 Q So you would say that it's an example of
9 something where there was no policy, but there was a
10 procedure covering it?

11 MS. AGUADO: Objection. Again, it's misstating
12 her testimony. Also, she's not the person most
13 knowledgeable on GEO's policies and procedures.

14 BY MS. STEINBACK:

15 Q I'm just asking for your knowledge based on
16 your tenure with GEO.

17 A That's unknown. I do not know.

18 Q But you would certainly agree with me, this was
19 a situation where you learned that a procedure that you
20 thought was -- or strike that.

21 You would certainly agree with me that this was
22 a situation where you figured what you were doing was in
23 accordance with policy and you didn't realize that it in
24 some way violated a procedure; is that right?

25 A Yes.

1 Q With the more recent incident for which you
2 were terminated, did you respond in any way to the
3 allegations that were made against you?

4 A No.

5 Q And just to be clear, in that incident, you
6 filed a use-of-force report; is that correct?

7 A No.

8 Q What report was that that they alleged that you
9 had lied in?

10 A This -- this one that I just talked about?

11 Q The -- the pepper spray incident.

12 A Where I attempted to use pepper spray.

13 Q Correct.

14 A Yeah. No.

15 Q So you didn't make any report?

16 A Yeah. I did my reports. I advised the
17 captains and all that. And then the next thing I know
18 I'm put on administrative leave without pay.

19 Q What were the reports that you created during
20 that incident?

21 A Just an e-mail and a verbal to the captain on
22 what happened and to the chief of security.

23 Q Why did you make those reports to the captain
24 and the chief of security?

25 A Because the detainee at the time, when he was

1 and the doctors know that there was an issue with one of
2 the detainees, and then they would take it from there.

3 BY MS. STEINBACK:

4 Q Were you trained on hunger strikes?

5 A Yes.

6 Q Were you trained on how to communicate with the
7 detainees?

8 A Yes.

9 Q Were you trained on how to communicate with
10 staff?

11 A Yes.

12 Q Did you speak any languages other than English?

13 A No.

14 Q In that 40-hour orientation, was that
15 specifically designed for you going into a lieutenant
16 role or was that for all new hires at the time?

17 A For all new hires.

18 Q So it wasn't specifically tailored to what your
19 responsibilities were going to be?

20 A Yes, ma'am.

21 Q And what were your responsibilities when you
22 started out as a lieutenant?

23 A Supervision of the staff, supervision of
24 detainees.

25 Q When you say "supervision of staff," what does

1 paperwork, putting up their break schedules, reviewing
2 e-mails from the higher-ups. Like I said, again,
3 anything that may have happened throughout the -- that
4 day or the shift before mine.

5 Q Was that typically what you did after a shift
6 briefing?

7 A Yes, ma'am.

8 Q How long did you spend in the watch office?

9 A It varied from an hour to maybe 30 minutes.

10 Q After you were done -- and now I'm just going
11 to talk about a typical day.

12 On a typical day, after you were done reviewing
13 materials in the watch office, then what would you do?

14 A Walk the floor.

15 Q Were there specific floors you would walk?

16 A Just the housing units, central control, the
17 front lobby, intake, medical. Just a -- basically,
18 daily routine of our walk-arounds.

19 Q What would you do while you were walking the
20 floor?

21 A Check logbooks, answer any questions that
22 detainees may have had, check with medical to see what
23 was going on throughout the day, staff, detainees. Just
24 basically communicating to see what was going on
25 throughout the day.

1 answering.

2 So during the time that you were a lieutenant
3 at Adelanto, you never corrected -- made corrections to
4 any of your officers' reports before giving them to your
5 captains?

6 MS. AGUADO: Objection. It's been asked and
7 answered. She's testified that she corrected spelling.

8 You can go ahead and respond again.

9 THE WITNESS: Like I said, just correction to
10 their spelling.

11 BY MS. STEINBACK:

12 Q Okay. So you never had to correct, for
13 example, factual inaccuracies?

14 A No, ma'am.

15 Q So you feel like your officers did a pretty
16 good job reporting what had happened?

17 A Yes, ma'am.

18 Q Great. And they included all the relevant
19 details?

20 A Yes, ma'am.

21 MS. STEINBACK: I'll tender to the deponent
22 what's been marked as Plaintiffs' Exhibit 11. It's
23 Bates-stamped GEO 2236 and 2237.

24 (Plaintiffs' Exhibit 11 was marked
25 for identification.)

1 BY MS. STEINBACK:

2 Q Do you recognize this document? And you can
3 take as long as you need to look at it.

4 A Use of force/restraints.

5 Q Have you seen this document before today?

6 A Yes, ma'am.

7 Q Did you review this document in preparation for
8 today's deposition?

9 A Yes, ma'am, I did.

10 Q Okay. And when you say this document is a use
11 of force/restraints, who authored it?

12 A Excuse me?

13 Q Who authored it?

14 MS. AGUADO: Who wrote it?

15 THE WITNESS: Who wrote this?

16 BY MS. STEINBACK:

17 Q Yes.

18 A Some of it was from me, and some of it was
19 from -- I believe the captain, that filled in this,
20 because this was my first time I ever had to fill out a
21 use of force, but he was with me when this was being
22 done.

23 Q So this is the first use-of-force report that
24 you ever had to fill out?

25 A Yes, ma'am.

1 So you printed it out, and then what happened?

2 A Then we filled it out.

3 Q So he filled it out with you?

4 A Yes, ma'am.

5 Q Had he been present for the incident?

6 MS. AGUADO: If you know.

7 THE WITNESS: I don't believe he was in the
8 unit when this happened. No, ma'am.

9 BY MS. STEINBACK:

10 Q Could you take the highlighter that I've given
11 you and highlight all of the words and notations on here
12 that you made.

13 (Witness complied.)

14 BY MS. STEINBACK:

15 Q Okay. If I may look at it?

16 A There you go.

17 Q Thank you.

18 A You're welcome.

19 Q Looking at this, it might have been easier to
20 just ask you to highlight what he did.

21 So just for the record, there are no highlights
22 on page 1 indicating that the deponent did not make any
23 of the marks on page 1, which is Bates-stamped GEO 2236.

24 I want to make sure that the record is
25 accurate. So on page GEO 2237, you've highlighted, it

1 Q So when you would communicate with a detainee
2 who you couldn't actually communicate with because you
3 don't speak the same language, how frequently would you
4 have an officer who spoke that detainee's language come
5 help you with that communication?

6 A I would say frequently. Certain languages,
7 though, another detainee would translate for that
8 detainee --

9 Q Okay.

10 A -- if they spoke the same language. They would
11 come up to us, and they would use their friend or
12 whatever to translate for them, because they spoke
13 English

14 Q So in addition to the hotline and to being able
15 to use an officer, you could also use other detainees.
16 Is that what you're saying?

17 A Yeah. So if you're coming to me and you're
18 speaking to me in a different language, and he has a
19 friend that can speak English, he would have his friend
20 translate for us.

21 Q Okay. Thank you. Okay. So that was sort of a
22 third option?

23 A Yeah.

24 Q Thank you. I don't -- I really don't mean to
25 be tripping you up. So when I'm asking you a question,

1 sometimes it's just that I don't understand what you've
2 told me, just like sometimes you don't understand what I
3 ask you. So definitely let me know if you're not
4 understanding anything. Okay.

5 Of the officers -- and I'm going to refer you
6 back to Exhibit 11, page 2, at the top, the officers
7 that you listed under Confrontation Avoidance, did any
8 of those officers, to your knowledge, speak Spanish?

9 A Reyes did. Officer Reyes did.

10 Q Did any of the other officers listed here speak
11 Spanish, to your knowledge?

12 A Not to my knowledge.

13 Q How did you know that Officer -- or strike
14 that.

15 How do you know that Officer Reyes speaks
16 Spanish?

17 A Because I've heard him speak Spanish to the
18 detainees before.

19 Q Have you ever asked him to help you communicate
20 with a detainee, or have you just overheard him?

21 A Nope. Never asked him to help me, but I've
22 overheard him.

23 Q Would it be fair to say since you don't
24 understand Spanish, that you don't know what it is that
25 he has said, you've just heard him speak Spanish to

1 Q So there would be officers in the dorms who
2 were telling people in the day room, "Hey, we're getting
3 ready for count"?

4 A Yeah. The day room is one big room. It's
5 right there. And the officers just make the
6 announcement, and they get up and go to their bunks.

7 Q Do -- are detainees supposed to be in their
8 bunks for the duration of the count?

9 A Yes. Until our count clears.

10 Q What happens if, for example, there's a
11 detainee who's not feeling well and goes to medical?

12 A Then our count stops, and we call medical down.
13 Then we delay our count and wait for medical to come
14 down to take care of the detainee, so they can pull the
15 detainee out. And then once the detainee is moved out
16 of that dorm, then our count continues.

17 Q What happens if there's a detainee who's
18 already in medical during the count? Are they --

19 A They're outcounted.

20 Q What does that mean?

21 A It means -- like, say, in 2-Charlie, where the
22 incident happened, if we have a detainee that's in
23 medical and they're out of 2-Charlie, we put the them on
24 an outcount, showing that they're in medical. So when
25 we count them, they're still counted on our count time,

1 but they're just in medical. Uh-huh.

2 Q Okay. So there's a way to account for
3 people --

4 A Yes.

5 Q -- in the count even if they're not physically
6 present at the count?

7 A Yes, ma'am.

8 Q Okay. Other than medical, are there any other
9 situations you've encountered where there is someone who
10 has been outcounted?

11 A Possible court or they're talking to their
12 attorneys. If they're out on a cleaning crew. Let me
13 see what else. They could be maybe in one of our
14 offices talking to us. ICE might be talking to them.
15 They may be in the intake area. So if they're not in
16 the dorms, they get outcounted wherever they're at.
17 Kitchen -- if they're kitchen workers, they get
18 outcounted.

19 Q Any other circumstances you can think of?

20 A Emergency situations. If we have, like, a code
21 blue, a medical emergency. If we have a code red where
22 our fire alarms go off. A code black. It's usually a
23 detainee on a staff member. A code white, which is a
24 bomb threat. Let's see what else. Code yellow,
25 detainee fight. Count stops during all that until we

1 A Yes. I've only used the spray once. That
2 was --

3 Q So the only time you ever used OC spray in the
4 entire time you worked for GEO at Adelanto was on
5 June 12th, 2017?

6 A Yes, ma'am.

7 Q Did you ever use OC spray when you were working
8 for the correctional facility?

9 A No. We didn't carry OC spray.

10 Q What OC spray did you carry at Adelanto?

11 A The one I was working at?

12 Q Yeah.

13 A The big MK-9. Big can.

14 Q And what is the volume of that? And I know
15 that that's a little bit of a vague question, so I can
16 give you examples of --

17 A Okay.

18 Q -- what I'm curious about. So, for example,
19 are there like 21-second bursts in the can? Or do you
20 know how much OC spray is actually in one of those
21 MK-9s?

22 A It could be up to -- because we have to weigh
23 those cans every time we -- before we put them on. So
24 it could be anywhere from two to three -- I think --
25 what is it? -- milligrams? Grams? I'm not sure how

1 A Yes, ma'am.

2 Q -- when you were with --

3 A I keep doing that. Sorry.

4 Q I'm just going to ask it to you entirely so
5 it's on the record.

6 A Okay.

7 Q Did you carry OC spray on you at all times
8 while you were working on a shift at Adelanto?

9 A Yes, ma'am.

10 Q Where would you retrieve or get the OC spray at
11 the beginning of the shift?

12 A In the watch commander's office.

13 Q Where was it kept in the watch commander's
14 office?

15 A In a safe.

16 Q Did you have the code to the safe?

17 A Yes, ma'am.

18 Q Who else had the code to that safe?

19 A Only the watch commanders and the sergeants and
20 the higher-ups.

21 Q And you said that you would weigh it before
22 putting it on?

23 A Yes, ma'am.

24 Q And you did that every time you took out a can
25 of --

1 A Not every day, but frequently. Yes, ma'am.

2 Q Was that the protocol or practice when -- for
3 you to use OC spray?

4 A It was a practice.

5 Q Okay. Did you weigh it on the morning of
6 June 12th, 2017?

7 A I don't recall.

8 Q When you would weigh the OC spray, would you
9 record the weight anywhere?

10 A Yes, ma'am.

11 Q Where do you record the weight?

12 A We had a file similar to this. We'd weigh it
13 and then write it down, and then put it back in our
14 safe.

15 Q So the file was literally kept in the safe with
16 the OC spray?

17 A Yes, ma'am.

18 Q Was it kept anywhere else, to your knowledge?

19 A No, ma'am.

20 Q Did anyone review that file, to the best that
21 you know?

22 MS. AGUADO: Calls for speculation.

23 If you know.

24 THE WITNESS: I do not know, ma'am.

25 ///

1 BY MS. STEINBACK:

2 Q Were you ever told that anyone ever looked at
3 that file?

4 A No.

5 Q Did you ever look at that file other than to
6 make the notations about weight?

7 A No.

8 Q Would you weigh the OC spray when you replaced
9 it back into the safe at the end of the shift?

10 A Yes.

11 Q Would you also record that weight in the file?

12 A Yes.

13 Q Do you recall -- I'm guessing the answer is no,
14 but do you happen to recall what the weight was of the
15 OC spray can when you took it out of the -- out of the
16 safe on the morning of June 12th, 2017?

17 A No, ma'am.

18 Q Other than lieutenants, who was authorized to
19 use OC spray at Adelanto, if you know?

20 A The captains, our chief, our AW, the warden,
21 immigration, the ICE people, if they needed it -- oh,
22 and our sergeants also.

23 Q And would all of those individuals that you
24 just identified all use the same supply of OC spray?

25 A Yes, ma'am.

1 eyes, and then the spray dripped down into our eyes --

2 Q On a scale --

3 A -- and it stung.

4 I'm going to say a 10.

5 Q Okay. I was going to say, on a scale of zero
6 to 10 --

7 A Yeah, it was a 10.

8 Q It was a 10.

9 Did you learn anything about decontamination?

10 A Yes.

11 Q What did you learn about decontamination?

12 A After we were sprayed with the spray, they had
13 all these different -- how would you say it? They had
14 these different little sub areas that we had to go to.
15 Like "How many fingers are you holding up?" Kicking,
16 cuffing. We had to do all that. And then after, at the
17 very end, they took us to the water fountains, and they
18 had us wash our eyes out.

19 Q When you said they took you to a substation --

20 A They had different, like, stations for us, that
21 we had to go around while we still had the spray on us.

22 Q So while you had the spray, you had to go to a
23 substation where they asked you how many fingers they
24 were holding up?

25 A Yes. They had to ask.

1 Q Were you in pain during that time?

2 A The tingling, yes. Pain, yes.

3 Q Did you -- on that day, did you have any cuts
4 on your face?

5 A No.

6 Q Did you experience any coughing as a result of
7 the OC spray?

8 A Just -- I would say a little bit. It wasn't a
9 lot for me. So it wasn't that bad for me when I got
10 sprayed.

11 Q Were there other people that it was worse for
12 who were in your group?

13 MS. AGUADO: Calls for speculation.

14 THE WITNESS: I don't know that because once I
15 got sprayed, I was done. So everybody else that was in
16 that group, I don't know how they reacted to the spray.

17 BY MS. STEINBACK:

18 Q And when you said that they flushed your eyes
19 with water, was it cold water? Hot water?

20 A Cold water.

21 Q Did they do anything else to decontaminate your
22 face?

23 A No. Just cold water, and then we sat in front
24 of fans until the stinging sensation went away.

25 Q Did sitting in front of a fan help relieve the

1 pain?

2 A Temporary.

3 Q How long did the pain last for you?

4 A Well, for me, as long as I didn't put my face
5 back in water again, I was okay. When I got home that
6 night and got up and took a shower again, it activated
7 the spray again. The stinging of the spray in my eyes.

8 Q When you took the shower, was it hot water or
9 cold water?

10 A Cold water.

11 Q So even cold water activated --

12 A Yes, ma'am.

13 Q How long did that go on for?

14 A I'm going to say probably -- just probably till
15 the end of that next day.

16 Q Did you do anything else -- and by that, I
17 mean, use creams, any other manner of decontamination
18 between the time that you were sprayed and when the pain
19 went away?

20 A No, ma'am.

21 Q Other than what you've described, did you
22 receive any other training on how to use OC spray at
23 Adelanto?

24 A No, ma'am.

25 Q Did you -- other than going through

1 decontamination, did you receive any training on how to
2 decontaminate someone who's been sprayed with OC spray?

3 A Yes, ma'am.

4 Q What training was that?

5 A Pretty much -- like for us, the same thing with
6 detainees. They get sent down to medical, and then they
7 put them under the cold water. They can't leave them
8 under there that long, because the longer you leave it
9 in there, the more the OC will keep activating and
10 stinging their face.

11 Q When were you given that training?

12 A Like I said, that was probably, like, within
13 the first year that I was there.

14 Q Was that training at the same time as the
15 training you just described about using OC spray, or was
16 that at a different time?

17 A That was at the same -- same time. Same time,
18 uh-huh.

19 Q Was it part of the video?

20 A Yes.

21 Q Were you given any other training on
22 decontamination, aside from taking a detainee to
23 medical?

24 A Just removing their clothes. Anything that
25 had -- you know, if they were sprayed, their clothes get

1 removed because the spray is on their clothes.

2 Q Anything else?

3 A No, ma'am.

4 Q Now, you've described having your eyes flushed
5 with cold water and taking a cold shower. Were you
6 trained in any way about the effect of hot water on
7 someone who's been pepper sprayed?

8 A Hot water activates the spray even more.

9 Q And that was part of the training that you
10 received?

11 A Yes.

12 Q Did you receive any training on whether having
13 wounds or scratches or cuts could be something that
14 exacerbates the pain?

15 A Yes. During the video that we watched.

16 Q And what were you -- what did you learn in that
17 video?

18 A Pretty much the same thing. If they had cuts,
19 anything like that on them, all we can really do is just
20 flush anything with cold water and take off the clothing
21 that may have gotten sprayed. Just -- like I said, just
22 keep flushing them, but -- so the more you flush it, the
23 more it stings, and it just reactivates the spray.

24 Q What was the policy at Adelanto, if you know,
25 about how to decontaminate a detainee who has been OC

1 sprayed?

2 A The cold water again, flushing them with cold
3 water.

4 Q And that's the responsibility of the GEO
5 guards?

6 A Medical does that.

7 Q Does the GEO staff have any responsibility with
8 regards to decontamination?

9 A Our responsibility was to get them down to
10 medical so they can flush them with water.

11 Q Would it have been outside of the policy of GEO
12 Group to have GEO staff take the detainees directly to
13 showers themselves?

14 A No.

15 Q So that's also within the policy at GEO?

16 A Yes.

17 Q Are you aware of whether the detainees who are
18 the plaintiffs in this case were taken by GEO staff to
19 showers?

20 A Yes, they were, to medical and to our intake
21 area.

22 Q And my question is a little bit different. Are
23 you aware of whether the plaintiffs in this case, the
24 detainees, on June 12th were taken by GEO staff directly
25 to showers? Not simply to medical, but to actual

1 situation, they can assist to help get the detainees in
2 the showers.

3 Q Okay. And the officers -- you were trained on
4 this. Does it stand also to reason that the officers
5 are trained to know that putting detainees in hot
6 showers is going to exacerbate the pain?

7 A Yes, ma'am.

8 Q Does it also stand to reason that -- just as
9 you were trained on this, officers would know that
10 you're supposed to remove clothes from someone who's
11 been pepper sprayed because the OC spray could still be
12 in the clothing?

13 A Yes, ma'am.

14 Q Were there any other lieutenants on the first
15 watch that morning on the East wing?

16 A All I know is I was the first one to respond.
17 I don't know where the other lieutenant went before this
18 happened. So I can't place her, where this lieutenant
19 was at when this happened. All I know is I responded,
20 and then whatever the video shows.

21 Q Other than the OC spray training that you've
22 already described, have you received any other training
23 on the use of OC spray?

24 A No, ma'am.

25 Q Now, I know earlier when we were going through

1 So they were in violation of engaging and/or inciting a
2 group demonstration in the dorm that day.

3 Q What other rules are there that detainees could
4 be in violation of?

5 A Fighting, stealing. Let's see, what else?
6 Misconduct, not following verbal commands. There's so
7 many in there.

8 Q Is there a specific rule for assaulting another
9 detainee?

10 A Yes. But I don't -- I'm not -- I'm not sure
11 what it is. It's just that they cannot fight. They're
12 not allowed to be fighting.

13 Q Is there a specific rule for assaulting an
14 officer?

15 A Oh, yes.

16 Q Why do you say, "Oh, yes," so seriously?

17 A Because anytime a detainee puts their hands on
18 an officer, that's assault on staff. And they're not
19 allowed to place their hands on the staff at all.
20 Again, like I said, that's a book that I don't have
21 present here, but we have a rule violation for all that,
22 for assault on staff.

23 Q What happens if a detainee places his hands on
24 staff?

25 A They can be taken down to -- placed in

1 restraints, and taken down to segregation, and a report
2 written on them, and then they wait for the disciplinary
3 board to go down and speak to the detainee, but they'd
4 also speak to the officer. The officer would be
5 writing -- not so much this, but they would be writing a
6 different one for use of force again, because the
7 detainee placed their hands on an officer. So it
8 wouldn't be a general incident report. It would be a
9 use of force from the detainee on the officer. We've
10 had that happen a lot, where detainees have struck our
11 officers. Then, you know, our officers do what they
12 need to do to protect themselves.

13 But, yeah, there is violations for all that,
14 for employee -- I mean, staff misconduct or detainee
15 misconduct for striking our staff. They're not allowed
16 to put their hands on the officers.

17 Q That's a pretty serious --

18 A Yeah.

19 Q -- situation; right?

20 A Yes.

21 Q Okay. And why is that so serious?

22 A It's serious due to the fact -- is if you
23 struck one of our officers, what makes us think you
24 won't strike somebody else. Some of these detainees
25 have actually come in off the streets where they've had

1 assault on peace officers. So when we know that they've
2 actually assaulted peace officers, they go to a higher
3 category in the institution.

4 The same thing here. If they do this -- when
5 they're in the institution, they strike our officers --
6 actually, they can be arrested. San Bernardino Sheriff
7 could come in and arrest them, depending on the
8 seriousness of the assault on the officer.

9 Q Did you ever have a situation, while you were
10 working at Adelanto, where you called in the San
11 Bernardino County Sheriff's Office to investigate an
12 assault on an officer?

13 A Not me personally, huh-uh. No.

14 Q And did you ever -- while you were at the
15 Adelanto, did that ever happen to anybody else?

16 A Yes.

17 MS. AGUADO: Calls for speculation.

18 Give me a chance.

19 Objection. Calls for speculation.

20 Go ahead.

21 BY MS. STEINBACK:

22 Q To your knowledge, how many times did that
23 happen while you were at Adelanto?

24 A Unknown.

25 Q Did it happen once or more than once?

1 that.

2 When did you first learn that there was a
3 situation in the day room in 2-Charlie that you needed
4 to respond to?

5 A It was after briefing. I had an officer bring
6 me a list of names on some of the detainees that had
7 issues with the way they were being treated. And that
8 they claimed to be on a hunger strike. So I walked --
9 when I went down there --

10 Q And I'm going to stop you there really
11 quickly --

12 A Okay.

13 Q -- because I want to take this step by step.

14 A Okay. Okay.

15 Q So you said that an officer contacted you with
16 a list of names?

17 A Yes, ma'am.

18 Q Did that officer come to you in person, or did
19 the officer radio for you?

20 A The officer came down in person and gave me a
21 list of names.

22 Q Where were you when that officer came to you?

23 A In the watch commander's office.

24 Q How far away is that from the day room?

25 A We actually have to walk over there. Because,

1 like I said, we're in the middle. We're in the middle,
2 and the units are all on the outside. So probably about
3 10, 15 minutes, it'd take me to get down there.

4 Q Did that officer -- who was the officer that
5 came to you?

6 A I don't recall exactly who it was. Let me see
7 something. I believe it was --

8 MS. AGUADO: If you don't know, "I don't
9 remember" is fine.

10 THE WITNESS: I just can't recall who it was.
11 I can't. I don't know who it was, to be honest with
12 you.

13 BY MS. STEINBACK:

14 Q And you said that the officer gave you a list
15 of names?

16 A Yes, ma'am.

17 Q Who had written down that list of names?

18 A The detainees.

19 Q Was that all there was on the paper?

20 A Yes, ma'am.

21 Q So he gave you a piece of paper that had a list
22 of names on it; is that right?

23 A Yes, ma'am.

24 Q How many names were on that list, if you
25 remember?

1 A I don't recall the exact names on the list.

2 How many there were, I don't know.

3 Q Did he give you any other papers?

4 A No, not that I recall.

5 Q So the other information that you learned about
6 what was happening was from the officer himself?

7 A No. After I went down to the housing unit.

8 Q So when you walked to the housing unit, you had
9 no idea what was happening?

10 A No. The officers told me when I got down there
11 that they were claiming hunger strike.

12 Q When the officer first came and gave you the
13 piece of paper, what did he tell you when he gave you
14 the paper?

15 A That they were on hunger strike.

16 Q Okay. So you learned, when you were in the
17 watch commander's office, that there were a group of
18 detainees on a hunger strike?

19 A They were on hunger strike, and they were
20 refusing orders to rack up on their beds, to get up on
21 their beds for count.

22 Q Is there anything else that that officer told
23 you?

24 A Not that I remember.

25 Q Did you ask that officer any questions?

1 not here?

2 A He's down here. Yeah, he's down here on the
3 bottom. Just not up here. But he was -- he was one of
4 the responding officers. He's the one who went with me
5 to translate for me.

6 Q Okay. So when you first arrived at the day
7 room, you said you went straight to the housing unit?

8 A Yes, ma'am.

9 Q And who did you speak with there?

10 A The dorm officer that was in there.

11 Q Do you remember who that was?

12 A No, I don't recall. I'm trying to think. This
13 was a long time ago. I believe it was Officer Reyes
14 that was in the dorm.

15 Q Why did you go straight to the dorm?

16 A Because of the information that I received
17 saying that they -- they claimed to be on a hunger
18 strike and they wouldn't -- they wouldn't rack up for
19 count, and it was count time.

20 Q How did you know which dorm to go to?

21 A Because they told me -- the officers told me it
22 was in 2-Charlie.

23 Q Okay. So they told you where the detainees
24 were supposed to be?

25 A Yes, ma'am.

1 Q So you went straight to that dorm. What did
2 you talk about with the dorm officer there?

3 A That's what I said, the dorm officer said that
4 the detainees wouldn't rack up. They were on hunger
5 strike.

6 Q Did the officer say anything else?

7 A No, ma'am.

8 Q What did you do at that point?

9 A At that point I walked over to the table to try
10 to speak to the detainees. And then I'm being told that
11 none of them spoke English. That's when Officer Reyes,
12 I guess, started talking to the detainees. And that's
13 what they were saying, that they were going on a hunger
14 strike -- claiming to go on a hunger strike. And
15 because of their -- what was it? Something about their
16 bond money. Their bonds were too high. Their bonds
17 were set too high. And --

18 Q I'm going to stop you right there.

19 A Okay. Okay.

20 Q We'll get to all of these details.

21 A Okay.

22 Q When you say that you went to this table to
23 speak to the detainees but none of them spoke English,
24 how do you know that?

25 A Because Officer Martinez and Officer Reyes told

1 officers tried to explain to them, "Immigration is not
2 here this morning, ICE is not here. So we need you to
3 rack up." They would not rack up for nothing.

4 They said, "No, we're not racking up." This is
5 what they told my officer.

6 And Officer Reyes actually heard some of the
7 detainees speaking English. He heard them speaking
8 English.

9 Q And I don't want to know what Officer Reyes --

10 A Okay.

11 Q -- did or didn't hear --

12 A Okay.

13 Q -- because --

14 A Okay. Okay. They actually did speak English,
15 but then when I got down there, they wouldn't talk to
16 me.

17 Q Okay. So you did not hear any of the detainees
18 speak English?

19 A No, I didn't.

20 Q Okay. Did you speak in English to the
21 detainees?

22 A Yes, I did.

23 Q What did you tell them?

24 A I told them they would have to wait for ICE,
25 and they needed to rack up. And they just kept looking

1 at each other and looking at me, shaking their head like
2 this.

3 MS. STEINBACK: Okay. And for the record, the
4 deponent --

5 THE WITNESS: No.

6 MS. STEINBACK: -- is shaking her head no.

7 THE WITNESS: Yeah, they were shaking their
8 head no. They wouldn't rack up.

9 BY MS. STEINBACK:

10 Q Did you go straight to the table to speak with
11 the detainees after talking to the dorm officer?

12 A Yes.

13 Q Did you bring Officer Reyes or Officer Martinez
14 with you?

15 A Yes.

16 Q Did you ask them to translate for you?

17 A I asked Officer Martinez to translate, because
18 I was told that they did not speak English.

19 Q To your knowledge -- or is it your
20 understanding that Officer Martinez is fluent in
21 Spanish?

22 A Yes.

23 Q You say that with a smile.

24 A Yes. Fluently.

25 Q Do you know that for a fact?

1 A Yes.

2 Q And all they would do is shake their head and
3 say "No"?

4 A Uh-huh.

5 Q Did they actually say "No" out loud?

6 A Yes. No.

7 Q Other than the piece of paper that you were
8 given with their names, did you ever receive any other
9 pieces of paper from the detainees?

10 A No, ma'am.

11 Q Did you ever see a list of demands that the
12 detainees had provided to an officer?

13 A I believe -- no, I only saw the names. I
14 didn't see their demands. I was just told about their
15 demands, what they wanted.

16 Q Were you told that the demands were written
17 down on a piece of paper?

18 A Yes. They said they wrote it on a piece of
19 paper, and I don't know who took that piece of paper.

20 Q Did you ever see that piece of paper?

21 A No, I didn't.

22 Q Have you ever seen that piece of paper?

23 A No. I haven't seen it. Never. Never, never.

24 Q After -- at any point during that time, did you
25 consider calling medical because of the detainees'

1 statement that they were going on a hunger strike?

2 A I didn't, but I don't know if anybody else did.

3 Q Were you the most senior officer in the day
4 room that morning?

5 A Yes. I was the shift commander.

6 Q The shift commander --

7 A The shift supervisor, yes. Watch commander.

8 Q Shift supervisor and lieutenant.

9 Does that, by default, mean that you were the
10 person responsible or in control of that situation?

11 A I'm going to say yes. But I can tell you -- as
12 me, my job was to go down there to talk to them and find
13 out what was going on. That was as far as I went. I
14 went down there to respond and to assess the situation,
15 to find out what was going on down there. This was what
16 was told to me. They were going on a hunger strike.

17 Q So once you learned that they were going on a
18 hunger strike and they weren't going to rack up for
19 count, what did you do?

20 A I gave them several verbal commands to let them
21 know they needed to rack up. My officers told them, in
22 Spanish, "You need to rack up." And then we would take
23 care of this right after count.

24 Q Okay. How many times did you have your officer
25 give that command?

1 refused to go back to their racks, and we kept trying to
2 tell them, "But it's policy. You guys have to go sit on
3 your racks." "You need to wait until we clear our
4 count, and then we'll deal with this."

5 And then I was told by one of the officers that
6 the detainee that was sitting on the very end was the
7 one who started the whole thing. So I asked the
8 officers, you know, "Ask this individual to come with us
9 so we can find out what's going on."

10 Well, he didn't want to go with us. He did not
11 want to go with us. So next thing you know they're
12 linking arms at the table. They would not get up off
13 the table to go to the racks.

14 Q I'm going to take you back to the beginning
15 there, but first, when they started linking arms, did
16 that just come out of nowhere?

17 A Yes. It just came out of the nowhere. They
18 just -- well, especially, like I said, when the
19 gentleman here -- we were told that the gentleman at the
20 end -- I believe it was Martinez -- they told me, "Hey,
21 Diaz, he's the one who started all this."

22 And I go, "Okay. Well, you know what, let's go
23 take him out and let's talk to him."

24 He did not want to go. So he started linking
25 arms so everybody started linking arms. And he would

1 Q So is it within GEO's use-of-force policy that
2 you're allowed to OC spray detainees if they are
3 refusing to go to count?

4 A If they refuse to go to count, if they refuse
5 verbal commands, and they're disrupting our dorm, and
6 which they were, because they got all the other
7 detainees riled up. This is why they got sprayed.

8 Q So it is consistent with GEO's policy that you
9 can OC spray a detainee who's refusing to go to count if
10 you have given verbal commands and they've refused to
11 comply with them and you -- and there's a disturbance?

12 A Yes. They were -- there was a disturbance,
13 like I said again. And they were told and told and
14 told, and then, as soon as they started linking arms, we
15 already knew it was out of control. They were getting
16 out of control. Because they figured you're not going
17 to touch us. You're not going to do anything to us. So
18 that's why they got sprayed, because it got out of
19 control.

20 Q So as soon as they linked arms, that was
21 basically your green light to spray them because you
22 knew that was your only recourse?

23 A No. I sprayed them because they linked arms
24 and I still continued to give them verbal commands, and
25 I told them, "If you do not get up and go to your racks,

1 Q So the first time you radioed for assistance
2 was after you sprayed them?

3 A Yes, because they still wouldn't disperse.

4 Q Okay. So before that, where did all the
5 officers that you see in the video come from?

6 MS. AGUADO: If you know.

7 BY MS. STEINBACK:

8 Q If you know.

9 A From the West facility. Because when I got on
10 the radio and called for backup, we had staff that came
11 from the other facility, West facility.

12 Q And I'm talking about before that. So you said
13 you walked up with about two officers that you picked up
14 in the hallway.

15 MS. AGUADO: I don't think she said a number,
16 actually.

17 MS. STEINBACK: I think she -- that was what I
18 recall, but you can correct me if I'm wrong.

19 BY MS. STEINBACK:

20 Q You arrived there. You talked to the dorm
21 officer. Came out. But in the videos, you might agree
22 there are a number of officers there. It's well more
23 than two. Do you agree with that?

24 A First watch officers responded before they went
25 to the post, before they went to their post. Third

1 When you say you sprayed down the table, did
2 you do that so that you could sort of hit as many people
3 as possible?

4 A No.

5 Q Why did you spray down the table?

6 A To get their attention, for them to break it
7 up, because there was going to be worse circumstances
8 than what they got that day. They didn't -- I didn't go
9 to aim at anybody. It went right down the middle of the
10 table. And when you spray, it splatters. And it
11 sprays -- it goes everywhere. Okay? So not one
12 individual got sprayed. Because if you watch the video,
13 it doesn't show that one individual got sprayed. It
14 just went right down the middle of the table. To get
15 their attention. To let them know, this is -- this is
16 going to end, because you're inciting. You're getting
17 the rest of the dorm going. You're interrupting our
18 count. We can't finish our count. They didn't care.
19 They just kept going on and on and on and on. So I had
20 to take action and do what I needed to do as a watch
21 commander to stop it.

22 Q Did you feel that it was a situation where you
23 could take a moment and contact the facility
24 administrator to discuss your use of the OC spray?

25 A There wasn't anybody there at that time.

1 certain amount of time to get our count done. And then
2 they're going to be calling us saying, "Why is your
3 count not clearing?"

4 Q Who is going to ask that?

5 A The wardens will ask us. The West facility
6 would've started asking us why our count's delayed.
7 People above us. They want to know why our count's
8 delayed, because of something like this. The detainees
9 would not comply. I had no other choice. And I did
10 what I thought was right.

11 Q And it's your understanding that that was in
12 keeping with GEO's policies and practices?

13 A Yes. I had to -- I had to disperse -- I had to
14 stop the confrontation and disperse it. Because, like I
15 said, they got all the other detainees riled up in the
16 dorm.

17 Q Were any of the detainees in the dorms
18 threatening you?

19 A Again, I wasn't concentrating on all those
20 detainees. I was concentrating on the situation at the
21 table at the time. The officers were controlling the
22 rest of the detainees in the housing unit.

23 Q So you had officers who were actually in the
24 housing unit controlling the detainees?

25 A Yes. They were trying to get them -- the rest

1 did you specifically ask for Campos?

2 A No. They just responded.

3 Q What did you say when you went on the radio?

4 A "Lieutenant Diaz to West facility, be advised I
5 need assistance over here on East."

6 And the next thing I know, here they all come
7 from the East facility. I mean, the West facility.
8 Sorry. West.

9 Q At that time you said there were officers in
10 the dorm; is that correct?

11 A Yes, ma'am.

12 Q And they were controlling the detainees in the
13 dorm?

14 A Yes. The ones that would not rack up. Until
15 we could get control of the situation. And, like I
16 said, once the situation got out of control, and I
17 sprayed, and they still wouldn't rack up, they still
18 wouldn't let go of each other, they interlocked their
19 legs around the bottom of the -- I don't know -- those
20 chairs, they locked their legs and everything. They
21 still would not disconnect. And that's when I got on
22 the radio and called, "Lieutenant Diaz to West, I need
23 assistance over here at the East facility." And that's
24 when everybody came running from West. Several
25 officers, the sergeant, couple of other officers came.

1 Q If you -- if you need to reach a supervisor and
2 they're not on duty yet, are you able to do that?

3 A Yes. I could have my central control officers
4 call. They would have showed up. But, like I said, it
5 was during count time. It would have probably taken
6 them a while to respond to the facility. We could have
7 had -- I could have my central control officers call the
8 captain, the warden, ICE. We could have had them --
9 landline them -- call them. But, in that situation, we
10 didn't, because, like I said, it was right in the middle
11 of count when -- just the beginning of count when they
12 started doing this.

13 Q And you said that there's about, like, 30 to 45
14 minutes, depending, for count?

15 A Yes.

16 Q Okay.

17 A We have to clear our count within an hour.

18 Q Or else what happens?

19 A Then the warden can get in trouble for that.
20 And then we have to explain to him that ICE wants to
21 know why our counts didn't clear, what was going on at
22 the time.

23 Q And what happens if the warden gets in -- who
24 does the warden get in trouble with?

25 A ICE. ICE will question them, "Why didn't your

1 count clear"? How come your count's not clearing?"
2 Well, you know, why didn't they do this? I mean, like I
3 said, there are procedures during count. And my thing
4 is, when I sprayed them -- and they watched the video.
5 ICE watched the video, the warden, everybody watched the
6 video. They said, "Diaz didn't do nothing wrong. She
7 did what she was trained to do."

8 Q Did they come tell you that?

9 A Yes. The captain told me that. Because they
10 told me, "Diaz, we watched this video. ICE watched the
11 video. The warden watched this video. You did nothing
12 wrong."

13 Q So everyone in GEO and ICE agreed you acted
14 according to protocol?

15 A Yes, ma'am.

16 Q When did the captain tell you that?

17 A Right after the incident. After everything
18 happened, we sat down in the watch office, and they
19 watched the video right away.

20 Q Who is they?

21 A ICE, the captains, the warden. They reviewed
22 the video after this happened. And Immigration --
23 again, ICE is in charge of all these -- "She didn't do
24 anything wrong."

25 Q Did they watch it that same day?

1 A Yes, ma'am. And then the captain told me again
2 the next day, "ICE said you didn't do anything wrong."
3 Because if I would have done something wrong, I wouldn't
4 have a job to go back to.

5 Q Is that your understanding of what the
6 consequence would have been if you --

7 A Oh, yes.

8 Q How do you know that?

9 A From what I told you earlier, at the beginning
10 today of the deposition.

11 Q Okay. Were you present when your captain
12 and -- who else did you say watched the video?

13 A ICE and the warden.

14 Q ICE, the warden, the captain. Anyone else?

15 A I don't know who else was there.

16 Q Were you there with them when they watched the
17 video?

18 A No, ma'am.

19 Q But they watched it on June 12th?

20 A Yes, ma'am. They watched it June 12th, and
21 they watched it the next day.

22 Q Were you there when they watched it June 13th?

23 A No. Never got to review -- I didn't get to
24 review the video until she showed it to me.

25 MS. STEINBACK: And she's pointing to her

1 attorney, for the record.

2 BY MS. STEINBACK:

3 Q Did you --

4 A I'm just telling the truth.

5 Q Other than the use-of-force report that you
6 submitted, did you make any other statements or provide
7 any other information to the captain?

8 A No.

9 Q Other than the use-of-force report that you
10 submitted, did you make any other statements to anyone
11 else within your chain of command who was a supervisor?

12 A No. About this?

13 Q Yes.

14 A Just what happened.

15 Q Were you ever -- so you were never called in
16 and asked about anything that happened during the
17 incident?

18 A No, ma'am.

19 Q Were you ever -- strike that.

20 Did you ever give testimony in any of the
21 detainees' disciplinary hearings regarding the incident?

22 A No, ma'am.

23 Q Do you know whether the detainees had
24 disciplinary hearings?

25 A No, ma'am.

1 A That's always a procedure, is using restraints
2 on detainees when they don't comply.

3 Q That's always the procedure?

4 A Yes. When they don't comply, yes. Restraints
5 are used on them to -- when we move them, to make sure
6 that, you know, they don't lash out at the staff or any
7 of the other detainees that are in the dorm or around
8 them. So restraints are always used.

9 Q Did -- who made the decision to use the steel
10 handcuffs?

11 A I did.

12 Q Okay. So that was your directive?

13 A Yes.

14 Q Why did you use the handcuffs as opposed to the
15 softer restraints?

16 A Because that's what we use, are the restraints,
17 the metal restraints. We don't have soft handcuffs.

18 Q Okay. So --

19 A If we use restraints, they're always the
20 mechanical restraints.

21 Q Okay. So even though in the policy it talks
22 about soft restraints, really, in practice, you guys use
23 hard restraints because that's --

24 MS. AGUADO: Objection. That misstates her
25 testimony.

1 MS. STEINBACK: If you could just let me finish
2 my statement.

3 MS. AGUADO: Okay.

4 MS. STEINBACK: Thanks.

5 BY MS. STEINBACK:

6 Q So, in practice, even though soft restraints
7 are mentioned in the policy, really you use the steel
8 handcuffs as restraints because that's what you have; is
9 that correct?

10 A Yes, ma'am.

11 MS. AGUADO: Objection. Misstates her
12 testimony.

13 Go ahead.

14 THE WITNESS: Yes, ma'am.

15 BY MS. STEINBACK:

16 Q Okay. Did you at any point contemplate calling
17 a supervisor? I know there were none on staff at that
18 time, but did you contemplate reaching out to a captain,
19 assistant warden, warden?

20 A No.

21 Q You felt you could handle the situation
22 yourself?

23 A Yes, ma'am.

24 Q Did you feel that there was an immediate
25 threat?

1 HIPAA?

2 A Like I said, in certain situations, we don't
3 have time to stop what we're doing and go, "Hey, you
4 know, which one of these detainees are allergic to OC
5 spray?"

6 Q If you had time, is that something you could
7 do?

8 MS. AGUADO: Objection. It's an incomplete
9 hypothetical.

10 If you know.

11 THE WITNESS: No.

12 BY MS. STEINBACK:

13 Q At any time did you direct your camera
14 operators on shift to go get a camera?

15 A No.

16 Q Why not?

17 A Again, it was in the heat of the moment. We
18 had an emergency going on. No, I did not. Plus, like I
19 said, we had cameras in the dorm that saw the whole
20 situation. Everything. I mean, from beginning to end.
21 Again, it's right there. It's on the video. So they
22 were on camera. Everything happened on camera.

23 Q What is your understanding of what a camera
24 operator is supposed to do during a use-of-force
25 incident?

1 what was going on. After that, I don't know anything
2 about anything that happened after that. Because ICE
3 took control. And my commanders and the warden and
4 everybody took control of the situation after that on
5 the hunger strike.

6 Q It's my understanding that you were in charge
7 of the situation until the detainees were put -- were
8 put in segregation; is that correct?

9 A Yes, ma'am.

10 Q And you actually requested that they be put in
11 segregation; is that accurate?

12 A I -- oh, Lord. Okay. When they were in
13 violation of 213, yes -- when they were in violation of
14 that section, enticing or doing a group demonstration,
15 they get a little report written, like a segregation
16 order. They get put in there. And then there's an
17 investigation done on it. Okay. So they get moved over
18 to segregation. After that, I have no control over what
19 happens at the end of their hearings. I don't know what
20 the outcome is.

21 Q Did -- and I think I might have asked you this
22 already, but did you participate in any way in those
23 hearings?

24 A No, ma'am.

25 MS. AGUADO: Let's take a short break.

1 MS. STEINBACK: Sure.

2 (Recess was taken from 4:34 p.m. to 4:43 p.m.)

3 MS. STEINBACK: Back on the record.

4 BY MS. STEINBACK:

5 Q At what point did you direct the officers to
6 use handcuff on the detainees?

7 A After they were removed from the table. After
8 they got sprayed and we removed them from the table.

9 Q After all of the detainees -- strike that.
10 According to GEO's policy and practices, at
11 what point are restraints, handcuffs, supposed to be
12 removed from a detainee?

13 A As soon as the imminent danger is over.

14 Q Do you know when the handcuffs were removed
15 from these detainees?

16 A No, ma'am.

17 Q Did you monitor how long they were handcuffed?

18 A No, ma'am.

19 Q After the detainees were taken out of the day
20 room, do you know where they went?

21 A To medical, to our triage area, and to holding
22 until medical staff could evaluate them.

23 Q Did you direct the officers to take them to
24 medical?

25 A Yes.

1 A -- and he would not -- they would not get up.

2 Q Did you direct him to pepper spray the
3 detainees?

4 A No, I did not.

5 Q Did he need your authorization to do that?

6 A No, he did not.

7 Q So he could just decide it on his own?

8 A Yes, he did. Because he carried spray himself.

9 Q Did -- and you had told him that you had pepper
10 sprayed them?

11 A Yes. He knew they were already sprayed by the
12 time he got down there.

13 Q By the time he got to the day room? How did he
14 know that?

15 A Because when he -- when they got in, you could
16 smell the spray. You can see the detainees. You can
17 see the spray all the way across the table. And they
18 were hacking and coughing. And, like I said, he gave
19 them several more verbal commands, and they would not --
20 you know, let go of each other. They wouldn't get up
21 off the tables. So he gave them several verbal
22 commands, and he sprayed them too.

23 Q So it was obvious at that point to anyone who
24 would have been observing that pepper spray had been
25 used; correct?

1 A What do you mean, what happened?

2 Q What happened --

3 A What's the question?

4 Q Sure. So what happened after that? You said
5 they locked arms again. Locked their legs around the
6 table. Then what happened?

7 A So they were given verbal orders again, and
8 then they started pulling the detainees apart, to get
9 them apart. And they gave us a struggle, trying to get
10 them apart. From my understanding, they were elbowing
11 the officers, because they didn't want to be pulled
12 apart. So they started, basically, assaulting our staff
13 by elbowing them.

14 Q That sounds quite serious.

15 A Yeah, so -- and our officers did what they
16 needed to do. They started pulling them apart, and
17 trying to get them away from the tables and stuff. And
18 they gave us a lot of problems doing that. Because we
19 knew we had to decontaminate them, and they -- they
20 weren't having it.

21 Q We talked a little bit earlier about assaults
22 on staff and how serious that is.

23 A Uh-huh.

24 Q At that point, when you're saying that you
25 learned they were assaulting your staff, did you call in

1 a code?

2 A No. This was after. After this all happened
3 is when my officers told me that the detainees were
4 elbowing them when they were trying to get them away
5 from the table.

6 Q Which officers were telling you that?

7 A I don't recall who had told me. It's in the
8 reports. Some of the officers wrote that they were
9 being elbowed. The detainees were elbowing them when
10 they were trying to pull them apart.

11 Q So they told you that while you all were
12 writing the reports?

13 A After it happened. Not when the reports were
14 being written. After it happened. They said,
15 "Lieutenant Diaz, they were elbowing us when we were
16 trying to get them off the table." So they were
17 assaulting our staff.

18 Q And at that point had they already written
19 their reports, or was that after they wrote the reports?

20 MS. AGUADO: If you remember.

21 THE WITNESS: I don't recall when they told me
22 about that.

23 BY MS. STEINBACK:

24 Q Okay. Did you make a note of that anywhere?

25 A No, I did not.

1 Q Why not?

2 A Why not? Again, I don't remember when the
3 officers told me this. All I could go -- based on what
4 was here, they were in violation of 2013 [sic]. If the
5 detainees were written up -- because, according to these
6 reports, you read in the report that some of the
7 officers said that the detainees were elbowing them.

8 Q Is that what you remember from reviewing the
9 reports?

10 A Yes. There are some statements in there from
11 the staff that they were being elbowed by the detainees.

12 Q At any point did you contemplate filing an
13 additional charge on them for assaulting an officer?

14 A No, I didn't.

15 Q Why not?

16 A Because it was after the fact, after this had
17 already been done.

18 Q That's a serious allegation, though --

19 A I know.

20 Q -- right?

21 And that --

22 A I understand that.

23 Q And that can pose a very serious --

24 A I understand that.

25 Q If you could just let me get it out for the

1 record.

2 That can pose a very serious security risk;
3 correct?

4 A Yes, ma'am.

5 Q In fact, one of the most serious security risks
6 is when a detainee feels empowered enough to assault an
7 officer; correct?

8 A Yes, ma'am.

9 Q Because the officers are keeping the facility
10 secure; right?

11 A Yes, ma'am.

12 Q And that is a direct challenge to the authority
13 of an officer; right?

14 A Yes, ma'am.

15 Q Given all that and given the seriousness of the
16 allegation and given your obvious diligence when it
17 comes to these things, why didn't you put it in any
18 report?

19 A Again, that's unknown if the officers were
20 instructed by the higher-ups to write the reports that
21 they were assaulted by the detainees.

22 Q You were the officers' higher up, though;
23 correct?

24 A Yeah. But then there were the captains and the
25 wardens.

1 Q Did you give the information to the captains?

2 A No. No, I didn't.

3 Q Did you give the information to the wardens?

4 A No, I didn't.

5 Q Did you give the information to anyone?

6 A No, I didn't. Based on these reports, when
7 this report was turned in -- like I said, again, it was
8 turned in before I even read that, saying that the
9 officers were being elbowed.

10 Q Okay. Did you see the detainees at any time
11 after they were, in your mind, taken to medical?

12 A No, ma'am, I did not.

13 Q Did you follow up with medical in any way to
14 see what had happened with the detainees?

15 A No, ma'am, I did not.

16 Q Did you follow up with any of your officers to
17 see when the detainees had had their handcuffs taken
18 off?

19 A No, I did not.

20 Q Whose responsibility was it to monitor the
21 detainees' handcuffs?

22 A The officers.

23 Q Which officers?

24 A It's the officers that put the cuffs on them.
25 Then medical. Medical will tell us to let them loose.

1 Like I said, again, I was not the only supervisor
2 involved in this. We had our captains. We had our
3 chief of security. We had our AW. So there was other
4 people involved in this whole use of force besides
5 myself. So I do not know -- unknown what they were told
6 to do after this incident.

7 Q So you don't know who was in control of making
8 sure that their handcuffs got removed at some point?

9 A No, ma'am.

10 Q And to this day, you don't know?

11 A No, ma'am.

12 Q At some point did you find out at what time
13 their handcuffs were removed?

14 A No, ma'am.

15 Q At any point did you find out whether the
16 detainees had gotten to medical?

17 A Yes, ma'am. The officers and, like I said, the
18 higher-ups came to me, my captains, the chief said,
19 medical said, "Hey, you know what, they've all been
20 seen. They all have new uniforms. Now they're being
21 moved over to the West facility and put in segregation."

22 Q When did that take place?

23 A At what time?

24 Q Yes.

25 A I do not know what time they finally moved the

1 A Once I filled these out, they went to Captain
2 McCusker. And he signed off as the investigating person
3 after he read them. These were the charges against the
4 detainees.

5 Q Did you have anything to do with this process
6 after you filled out this document?

7 A No, ma'am.

8 Q Is there anything in these documents that is
9 incorrect?

10 A No, ma'am. No, ma'am.

11 Q I'm now tendering to the deponent an exhibit, a
12 group exhibit, 15. It is Bates-stamped GEO 524, 1119,
13 1535, 1744, 1916, 165, and 1390.

14 (Plaintiffs' Exhibit 15 was marked
15 for identification.)

16 BY MS. STEINBACK:

17 Q Ms. Diaz, do you recognize this exhibit?

18 A Yes, ma'am.

19 Q What is this?

20 A This is the Administrative Segregation Order.

21 Q Is there anything on this document that is not
22 your writing?

23 A Lieutenant Duran, Ms. Petersen, Chief Johnson.

24 MS. AGUADO: Are you referring to the
25 signatures at the bottom of the page?

1 THE WITNESS: Yeah.

2 BY MS. STEINBACK:

3 Q Is there anything other than the signatures at
4 the bottom of the page that is not written by you?

5 A No, ma'am.

6 Q Have you filed one of these documents before?

7 A Yes, ma'am.

8 Q And what is this document used for?

9 A These are segregation orders for the violation
10 of the detainees. So when they are put in our
11 segregation unit, this has to be posted while they're in
12 there, saying why the detainee was put in there. And
13 it -- basically, put in there violation of 2013 [sic],
14 engaging in or inciting a group of demonstrations. So
15 this all has to be filled out when the detainees are
16 being moved to the other facility. Since they're all --
17 all male detainees, they go to our male segregation.

18 Q When you said this document needs to be posted,
19 where is it posted?

20 A They have files in our seg unit, and all this
21 stuff gets put in their folders. So when the
22 investigating officer comes down, they have all this,
23 they have this, and they read it. And then they pull
24 the detainees out and talk to them about this situation.
25 So it has to be posted so the other -- so the

1 disciplinary, their, anything they have been charged
2 with. We do not know anything about that. We do not
3 know when they will be bonded out. We do not know
4 anything about -- when they were talking their bonds
5 being too high, that is us; that is all ICE. That is
6 all ICE. We have no control over that.

7 Q Do you, as a lieutenant, have any access to
8 detainee's files where you can get that information?

9 A No, ma'am. We not allowed to see their files.

10 Q Were there ever any circumstances when you
11 worked at Adelanto that you needed to reach a supervisor
12 either before or after hours?

13 A Which supervisors? GEO or ICE?

14 Q Let's start with GEO.

15 A No. We were always able to get a hold of them
16 if we needed them. We have people on call.

17 Q Okay. So there is always someone on call?

18 A Uh-huh.

19 Q Is that yes?

20 A Yes, ma'am. Yes, ma'am. Yes, ma'am.

21 Q On the morning of June 12, 2017, who was on
22 call if you needed to get in touch with them?

23 A I don't recall who was on call that day.

24 Q Is that something that you would have known
25 from working the shift, or would you have had to find

1 that information out?

2 A No. It would be because they are the ADO,
3 administrators of the day. So we always knew weeks
4 ahead of time who was on call.

5 Q So there is always someone that you could get
6 in touch with, if necessary, who is a supervisor, even
7 when it is early morning?

8 A Yes, ma'am.

9 Q And you made the decision not to do that?

10 A Yes, ma'am.

11 Q When you arrived at the day room, did you look
12 in the logbook to see whether any of the detainees who
13 had announced they were undertaking an hunger strike had
14 eaten breakfast that morning?

15 A No, ma'am. It was during count, just before
16 breakfast.

17 Q So the hunger strike that -- strike that.

18 So the incident occurred before breakfast?

19 A Yes, ma'am.

20 Q Would the log book have reflected whether the
21 detainees had eaten anything the night before?

22 A Yes, ma'am.

23 Q Were you a part of any after-action review?

24 A No, ma'am.

25 Q Are you familiar with that name?

1 Q Is that typically of how it happens?

2 A Yes. If I am busy and doing something, yes.
3 Usually medical will help out or the medical officer
4 will assist making sure they get their cuffs taken off.

5 Q Would it be violation of policy, as you
6 understand it, for their cuffs not to have been taken
7 off --

8 A No.

9 Q -- when they were evaluated by medical?

10 A No.

11 Q No, it would not be a violation of policy?

12 A No, ma'am. The only why that we would not
13 have taken their cuffs off, if you had a detainer being
14 belligerent, he was irate and he threatened to hurt the
15 staff, would we not have taken their cuffs off of them.
16 But in this case, that was not the case.

17 Q So in this case, the detainees were not being
18 belligerent; is that right?

19 A Not when we moved them down. Actually, they
20 calmed down after all this happened. After they got
21 sprayed and everything, they calmed down.

22 Q So you actually saw them calm down before they
23 left the day room; is that right?

24 A No. When the officer were moving them off of
25 the table, they became elbowing the staff, they were --

1 Q I'm sorry. I'm talking about after they were
2 placed in restraints and escorted away from the table.

3 Is what when they calmed down?

4 A Well, some of them were still resisting the
5 restraints and they were trying to fall on the ground so
6 they would not get restraints put on them. And they
7 would not get up and walk when they were being moved.

8 Q Do you know why that was?

9 A Yeah. They did not want to comply with
10 orders. When the officer gave them orders, they did not
11 want to comply.

12 Q Were they saying they did not want to comply,
13 or were they simply falling on the ground?

14 A Falling on the ground. You could see that on
15 the video. They were resisting.

16 Q You said at some point they calmed down, but
17 you also said you did not follow them out.

18 At what point did you see them calm down?

19 A They calmed down when they were being -- when
20 they got moved down to medical, because when I came out
21 of the housing unit, they were still in medical and they
22 calmed down in medical with the restraints. They did
23 not have restraints on. They had already calmed down.
24 By the time I went down there, they were calmed down.

25 Q So you went and saw them again?

1 A I just walked down there because I had
2 something else I needed to do. But I did not go up
3 there and talk to any of them. I was reported that they
4 were all locked down, medical said they were good and
5 they were going to move them after they got
6 decontaminated, got new suits. The intake officers told
7 me. The intake escorted them also.

8 My office is right there in the hallway so I
9 could see when the detainers were being moved.

10 Q Where did you see the detainees? It was my
11 understanding based on your previous testimony that the
12 last time you saw was when they were leaving the day
13 room and you were directing your officers to take them
14 to medical.

15 A When they were being escorted out of the
16 institution. My office is right there, so I could see
17 them being escorted down the main corridor. I did not
18 go out and acknowledge or say anything to them.

19 Q So you saw them when they were being escorted
20 from east to west?

21 A No, just down the main corridor.

22 Q Where were they going, do you know?

23 A To the intake area to be escorted over to the
24 west facility. They bus them over there, bring in the
25 bus and bus them in the little van and take them over

1 there. But I did not see any of that.

2 Q Did you pop in and look at them when they were
3 in the medical unit?

4 A No, I did not. Uh-uh.

5 Q Did you see them at any other time other than
6 when, as you described, they walked down the hallway
7 past your office?

8 A No, ma'am.

9 Q So that was the only other time you saw them
10 outside of the day room?

11 A Yes, ma'am.

12 Q At what point, when you described them as
13 calm, at what point were they calm? Was it when you
14 last saw them in the day room, or was it when they were
15 walking by your office?

16 A When they were walking by the office being
17 escorted.

18 Q When they were walking by the office being
19 escorted, were they still wearing the clothing they were
20 wearing earlier when they were pepper sprayed?

21 MS. AGUADO: If you remember.

22 THE WITNESS: I don't remember that part.

23 I don't remember that part.

24 BY MS. STEINBACK:

25 Q When they were being escorted by your office,

1 were they handcuffed or not handcuffed?

2 A They were in restraints.

3 Q And by restraints, are you talking about
4 handcuffs?

5 A Yes.

6 Q At that point, how much time had passed since
7 the incident, if you remember?

8 A Well, according to this report, this happened
9 early in the morning and they were transported over, I
10 believe to the west facility. It must have been around
11 3:00 or 3:30 when they got there finally and they placed
12 them in the housing units.

13 Q So just to make sure I'm perfectly clear.

14 After they left the day room and until you
15 saw them escorted by your office, you did not see them
16 at all; is that correct?

17 A Yes, ma'am.

18 Q You did not have any conversations with the
19 medical unit about them; correct?

20 A Yes, ma'am.

21 Q Did you have any follow-up conversations with
22 your officers about them that afternoon?

23 A I did not. Nope. I did not. No, I do not.

24 Q I believe you already testified. But do you
25 remember who it was that took them to medical and stayed

1 Q Did any of the officers who talked to you
2 about the showers make any mention as to the detainees
3 response to the showers?

4 A That it just -- they told me, they said the
5 detainees said it was burning. But it more was more of
6 a tingle. I have been hit with pepper spray, so I know
7 how it feels. It just keep reactivating when you are in
8 the water. So once they get hit with the water once, we
9 try to keep them out of the water because it will keep
10 tingling.

11 Q So you're assuming that is what happened, but
12 you were not there and you do not have knowledge of
13 that; right?

14 A That is practice.

15 Q Right.

16 A That is our practice.

17 Q So it's GEO's practice to do a quick shower,
18 get them out so it does not exacerbate the pain?

19 A Exactly.

20 Q When you worked at Adelanto, did you ever
21 receive any calls or communications with anyone from
22 the City of Adelanto regarding the facility's
23 operations?

24 A Not me personally, I did not.

25 MS. AGUADO: Do not speculate as to anyone

1 curtains?

2 A Shower curtains in the bathroom areas.

3 Q So behind these curtains is where the
4 bathrooms are?

5 A Yeah. You have the sinks, toilets, then the
6 showers like back there. And they are allowed to pull
7 the curtains closed when they are back there using the
8 restrooms.

9 Q Do you need to walk through the restrooms to
10 get -- right now I'm pointing to the second tier
11 right-hand side, do you need to walk through the
12 bathrooms if you want to come down the center stairs?

13 A Yeah. If you come up, you have to go through
14 here. You see the stairs here?

15 Q Yes.

16 A You can come up here, or go down here, up and
17 down here. But you have to walk this whole unit to go
18 here, go through here. You just pull the curtains back.

19 Q So that is what the dorm officer is supposed
20 to do is walk the entire unit?

21 A Yeah. And then you have your showers and
22 bathrooms back here. So they have to make their rounds
23 to see what is going on in there.

24 Q Okay. So when there is a count, is there just
25 one officer that is doing the count for the entire unit,

1 then the second officer does the count for the whole
2 unit? Or do they break into these two tiers?

3 A No. What they do is: When it is count time,
4 the officer that is in the unit will tell them to prepare for
5 count. So the detainees are to go to their racks when
6 the officer tells them to prepare for count. So once
7 the detainees are up there, they have to wait for that
8 second officer to come in. Once that second officer
9 comes in, central control says to begin the count. One
10 officer will count all this, come back, stand here, then
11 the second officer. When they are both done counting,
12 they have to come up with the same amount of numbers.

13 Q Okay. Where, if you know, where will the dorm
14 officer stand when he or she is announcing the count
15 again?

16 A They are here or they are roaming around, and
17 they come down to the day room and say to prepare for
18 count. So the detainees will move and go to the racks.
19 They do have not to be in on specific place. But they
20 have to say loud enough to get the detainees to rack up.
21 They will say, "Rack up, count time."

22 Q Is that announcement made in English and in
23 other languages or just in English?

24 A Just in English.

25 Q Now, just starting here, do you see the men

1 the feeding trays down.

2 Q Okay. So even when there is not an officer
3 standing here at the podium or visibility walking
4 around, there is still an officer watching and
5 everything is on cameras?

6 A Yes, ma'am.

7 Q So if anything were to happen, someone would
8 be responding?

9 A Yes, ma'am.

10 Q Here it looks like people milling about; is
11 that correct?

12 A Yes, ma'am.

13 About what time is that?

14 Q 6:20.

15 A Yeah. I do not even think they prepped these
16 guys yet for count.

17 Q What does it mean to "prep them for count"?

18 A Let them know it will be count time and to
19 return back to your racks. So then when the officers
20 come in, they can start counting; they do not have to
21 wait for everybody to to get in their bunks.

22 Q How much time do they typically give them to
23 prep?

24 A Usually about 10 minutes.

25 Q Someone just walked in carrying what looks

1 MS. AGUADO: Can we take a short break?

2 MS. STEINBACK: Sure.

3 (A short break was taken at this time.)

4 BY MS. STEINBACK:

5 Q For the record, we're still playing view East
6 2C1. The time is 6:23:35

7 Do you know what is going on in the screen
8 that we're watching now?

9 A Detainees walking around. Them handing him
10 paperwork. I have no idea what the paperwork is.

11 Q Okay. Another detainee just came out of the
12 bed area. It looks like he is speaking with the guard.

13 Is that accurate?

14 A Uh-huh.

15 MS. AGUADO: Is that yes?

16 THE WITNESS: Yes, yes.

17 BY MS. STEINBACK:

18 Q I know you mentioned earlier that one of the
19 ways that you communicate with detainees who do not
20 speak English would be to use another detainee as a
21 translator.

22 In your experience, do detainees do that as
23 well? For example, if they have a detainee who does not
24 speak English, do they get another detainee, English
25 speaking detainee, to serve as a translator between them

1 and the guards?

2 A Yes. All of the time. If these two only
3 spoke Spanish, or one only spoke Spanish and the other
4 one English, he may say, "Can you translate?" We do not
5 have a problem with them translating for each other.

6 Q The time is 6:25:29.

7 It looks like detainees are still milling
8 around; is that accurate?

9 A Yes.

10 Q At this juncture, does it look like an officer
11 has told the detainees that they should be prepping for
12 count?

13 MS. AGUADO: Objection, calls for
14 speculation.

15 BY MS. STEINBACK:

16 Q Can you tell?

17 A I cannot tell. There is no audio. I cannot
18 tell what he is speaking to the detainees about.

19 Q I will represent to you that my clients
20 described this as having, as one of the detainees, the
21 plaintiffs, having presented papers to the officer. And
22 it's my understanding that he presented it to an officer
23 named Officer Gillen.

24 Can you tell from this screen whether that
25 is Officer Gillen or not.

1 A Here I come.

2 Q I'm pausing it at 6:32:56.

3 That is, you have identified yourself as
4 having entered the screen?

5 A Uh-huh. That is me.

6 Q I will switch it to a view that is better.

7 We're switching over to view East 2C3.

8 So you're walking in. I will back that up
9 one second. I'm moving forward a frame at a time.

10 What is in your right hand right now?

11 A That is, I believe my OC spray that I pulled
12 out when I came in. So I pulled it out to just have it
13 ready in case something was getting ready to pop off in
14 there.

15 Q Is that typically what you do when you enter
16 --

17 A No. No. The only time that we pull our spray
18 is when there is a situation going on in there. If not,
19 we always keep our spray holstered.

20 Q And that is pursuant to GEO policy and
21 practices?

22 A Right.

23 Q Here did you put your OC on the table?

24 A Yeah, placed it on the table.

25 Q Why did you do that?

1 staircase where it is 6:33:12.

2 Do you know who that is?

3 A No. Most of the officers, it's hard to see
4 them.

5 MS. AGUADO: Right. You cannot see faces
6 on this video.

7 BY MS. STEINBACK:

8 Q Do you recognize this person who looks like a
9 female officer? And I'm pointing to an officer walking
10 toward the furthest --

11 A That is a female officer, but I don't know who
12 it is.

13 Q What is the white, it looks like a white piece
14 of paper?

15 A They handed something to me when I went to
16 that table.

17 Q What was it that they handed to you?

18 A The list of names that were on here that were
19 basically claiming to be on a hunger strike.

20 Q So did they hand it to you, or is that the
21 piece of paper that --

22 A Go back. Go back. Like I said, I know that
23 paper that I had in my hand was a list of names. But
24 for them asking for anything, that was not on there.

25 Q Okay.

1 A I was still on the radio.

2 Q Stop me if you recognize --

3 A That is Officer Reyes.

4 Q The individual right now picking things up off
5 the table is Officer Reyes, and we are at 6:34:15.

6 A I believe he was talking to the detainees
7 also. He was taking items away from them that was
8 contraband, they were not allowed to have.

9 Q What is happening right now at 6:34:25?

10 A I still believe that we were just waiting for
11 these detainees to return to the buck areas. We were
12 just standing around waiting for these guys to comply.
13 And they would not comply.

14 Q Here it looks like the detainees are sitting
15 with their arms on the table.

16 A Right.

17 Q Are they doing anything at this point? Are
18 they shouting?

19 A No. They are sitting there real quiet.

20 Q Going forward, 6:34:32.

21 You are walking toward the end of the day
22 room.

23 Do you know what you're doing there?

24 A Walking around, observing, seeing what is
25 going on, accessing the situation.

1 Q Do you know who just entered the frame at
2 around 6:34:44?

3 A This is the the officer on the top tier
4 racking them up.

5 Q So would that officer have left the top tier
6 if he felt there was a threat?

7 MS. AGUADO: Objection, calls for
8 speculation.

9 If you know what he was thinking.

10 THE WITNESS: It's uncertain.

11 BY MS. STEINBACK:

12 Q If an officer was standing in a tier and felt
13 there was a concern about the security of the facility,
14 should that officer leave the post?

15 A They would have called me up there.

16 Q They would have called you up there?

17 A Yes. And said that they had a situation on
18 the top tier.

19 Q And you have not mentioned that. You did not
20 receive a call; correct?

21 A I did not receive any calls. To my
22 recollection, I don't remember getting a call from
23 anybody, from any of the officers. But, again, it was a
24 year ago.

25 Q If you had received a call from an officer

1 saying you need help up here --

2 A Yeah, I would have responded.

3 MS. AGUADO: Make sure you let her finish
4 the question before you respond.

5 MS. STEINBACK: Thank you.

6 BY MS. STEINBACK:

7 Q And the officer that came down from that tier,
8 going forward, looks like he is walking casually around
9 the day room.

10 Would you agree?

11 A Yes.

12 Q Again, stop me if you recognize any of these
13 officers so we can identify them, for the record.

14 A Ms. Jones.

15 Q For the record, it's 6:35:06. And the
16 deponent is pointing to?

17 A Ms. Jones, medical.

18 Q Ms. Jones, medical, who is on the right center
19 of the screen. It looks like she is standing next to a
20 female officer who you gave the piece of paper to.

21 A Yes. And the more -- this one -- the more I
22 look at him, that is Gillen.

23 Q So just below her, and man who looks to be
24 wearing a baseball cape is Officer Gillen.

25 A Yes.

1 saying to the detainees?

2 A Giving them verbal commands to go back to
3 their rack areas.

4 Q Okay. There is an officer that is walking up
5 to you.

6 Do you recognize who that officer is to the
7 left?

8 A I'm not sure who that is.

9 Q Okay. I believe you said, and we are at
10 6:35:25, that the officer who is standing next to an
11 empty table leaning on it, was Reyes?

12 A That is not Reyes.

13 Q That is not Reyes?

14 A Uh-uh. Right here.

15 Q Okay. For the record, 6:35:46, there is a
16 guard who is standing next to one of the tables with the
17 detainees, the one closest up to the camera, that is
18 Officer Reyes.

19 Going forward, you are again walking away
20 from tables.

21 Just stopping at 6:35:44, I'm looking at the
22 top tier closest to the camera.

23 Is that a guard who just walked in?

24 A Yes.

25 Q Do you recognize who that guard is?

1 individuals to report back to their bunks.

2 Q So at 6:37:01, you are saying that all of the
3 officers in the frame are giving verbal commands?

4 A Getting them to disperse, go back to the bunk
5 area.

6 Q All right. At this point, are detainees
7 screaming at you?

8 MS. AGUADO: Objection, calls for
9 speculation.

10 We cannot hear audio in the videos.

11 BY MS. STEINBACK:

12 Q Based on what you can tell based on what you
13 are observing?

14 MS. AGUADO: Which is the sides of their
15 heads?

16 Can you tell they are screaming?

17 THE WITNESS: No.

18 BY MS. STEINBACK:

19 Q Okay. At 6:37:15, were you again waving your
20 OC spray?

21 A Giving verbal commands, pointing it at the
22 detainees here. It was not being sprayed or anything.
23 I was letting the detainees know that they needed to
24 rack up.

25 Q Okay. As all of this is taking place, are the

1 officers waiting for you to tell them what to do?

2 MS. AGUADO: Objection, calls for
3 speculation.

4 Go ahead.

5 THE WITNESS: We were still giving them
6 verbal commands to go back to the bunk area.

7 BY MS. STEINBACK:

8 Q Would the officers have laid hands, according
9 to GEO policy and practices, would the officers have
10 laid hands on the detainees without your --

11 A No.

12 Q -- directive?

13 A No.

14 Q Have you given any directives to the officers
15 at this point?

16 A No.

17 Q I will pause it at 6:37:57.

18 Have you given any directives to the
19 officers right now?

20 MS. AGUADO: If you know. Do not guess.

21 BY MS. STEINBACK:

22 Q Yeah. I don't want you to guess.

23 A No, they were not given any directives to do
24 anything. I have to think back on this. But they were
25 not given any directives.

1 MS. STEINBACK: Thank you.

2 BY MS. STEINBACK:

3 Q I'm just backing it up again.

4 6:48:42, I will start from here.

5 Does that look like you were spraying a
6 detainee?

7 A It's possible. They may have sprayed him
8 there when he was resisting the officers.

9 Q You're saying that you must have sprayed in
10 this interaction?

11 A Just from reactions to the detainees.

12 Keep going. I don't remember spraying
13 right there.

14 MS. AGUADO: Do not guess.

15 BY MS. STEINBACK:

16 Q Did you spray there? I stopped it at 6:39:02.

17 Do now believe watching the video that you
18 did deploy OC spray against the detainees between
19 6:38:42 and 6:38:57?

20 MS. AGUADO: Objection, calls for
21 speculation.

22 Only if you know.

23 THE WITNESS: I don't recall.

24 BY MS. STEINBACK:

25 Q Going forward. All right. Stopping again at,

1 to replay it at 6:39:00 to 6:39:02.

2 Did you spray OC spray at a detainee there?

3 I will go back if you like to watch it
4 again.

5 Starting again at 6:39 --

6 A I don't recall that one.

7 Q Watching it, do you believe you may have
8 sprayed these detainees at 6:39:00 to 02?

9 MS. AGUADO: Objection, calls for
10 speculation.

11 Only if you know.

12 THE WITNESS: No, I don't recall that one.

13 BY MS. STEINBACK:

14 Q So you're saying you did not?

15 A No.

16 Q Okay. I'm going to rewind it a little bit.

17 It appears to me that you are coughing or
18 covering your mouth. I just want to know if you see
19 that?

20 A Yes.

21 Q All right. For the record 63:03, going
22 forward. You are now walking away from the table.

23 I'm pausing it at 6:39:21.

24 What were you doing walking over to the
25 podium?

1 A I don't recall. But on this incident, yes, I
2 did spray. I did spray those detainees when they did
3 not get up. I don't know why these two did not get up,
4 because they were right in the middle of the spray. But
5 it was on this table, these detainees did get sprayed.

6 Q So there is one table with two detainees left
7 at it.

8 You are saying that you sprayed that table?

9 A Uh-huh. Right down the middle.

10 Q Where were you standing when you sprayed that
11 table?

12 A Right here at the end.

13 Q At the end closest to us?

14 A I went right down the middle. This is when
15 they got up and start coughing.

16 Q I will rewind it so that you can show me where
17 in the video that you did that.

18 MS. AGUADO: Do not guess about what you
19 did.

20 THE WITNESS: Well, I know I sprayed.

21 BY MS. STEINBACK:

22 Q For the record, I'm rewinding it right now
23 frame by frame.

24 If you see where you sprayed when I'm
25 rewinding, you can stop me, or I will go forward.

1 A Go forward again.

2 Q All right. I'm stopping 6:47:44 and starting
3 to go forward again.

4 I'm going forward, so I can stop it when you
5 want.

6 A The spray went this way. So I sprayed here.

7 Q Where?

8 A I was standing here, had the can. I sprayed
9 it and went across the table.

10 Q You told me --

11 A The reason I remember this is the officers
12 were standing right there. When they were trying to get
13 the detainee up off of the table, then the other
14 detainees on the other side, they were starting to link
15 arms, so I sprayed it. And it sprayed this way. I only
16 sprayed one time.

17 Q So you're talking around 6:38:14 when a number
18 of officers are crowding around a detainee, that is the
19 moment that --

20 A I disbursed my spray here. I only sprayed
21 them once.

22 Q It's your testimony having watched this video
23 a number of times backward and forwards, that is the
24 only time you did spray the OC spray?

25 A One time right here.

1 MS. AGUADO: Can we take a short break?

2 MS. STEINBACK: Sure.

3 (A short break was taken at this time.)

4 MS. STEINBACK: For the record, we did just
5 take a break and the deponent had an opportunity to
6 meet with her attorney, who was the one that called
7 the break. And she is now seeking to revise her
8 testimony.

9 BY MS. STEINBACK:

10 Q What is the revised testimony that you would
11 like to submit?

12 A On the spray.

13 Q What would you like to say now?

14 A These are not the ones that I sprayed. I told
15 you, I only used my spray once. I want to go all the
16 way through the video.

17 Q So. We will go through the video.

18 So, your testimony is you did not spray
19 anyone at the first table, which is being cleared?

20 A Yes, ma'am.

21 Q And you're testifying that way despite
22 everything you have seen?

23 A Yeah.

24 Q Just making sure.

25 Good forward. Right now, 6:38:37.

1 You appear to walking back toward the bed
2 units and waving the OC spray; is that accurate?

3 And just to be clear: Just like when you
4 testify at trial, here you're under oath.

5 You realize that; right?

6 A Yes.

7 Q Just making sure.

8 Going forward. Just to clarify: You are
9 the only person in the video right now that has
10 authorization it use OC spray; correct?

11 A Yes.

12 Q I will stop it at 6:39:02.

13 You now have had an opportunity to watch it
14 again.

15 Is it still your testimony you have not
16 deployed any OC spray?

17 A Yes, ma'am.

18 Q Going forward. Just back to 6:39:02.

19 Did you deploy OC spray just now?

20 MS. AGUADO: If you can tell. Do not
21 guess.

22 Objection, calls for speculation.

23 THE WITNESS: No.

24 BY MS. STEINBACK:

25 Q Okay. I'm stopping it at 6:39:22.

1 Are there any officers in the tiers right
2 now, to your knowledge?

3 A Not that I can see.

4 Q I know there is no audio here. All we can do
5 is see what is on the video.

6 Would you characterize what you are seeing
7 in the video as a rebellion or a riot?

8 A A rebellion or a riot. I know from when I was
9 in here, these detainees were yelling and screaming on
10 the top tiers.

11 Q Did you, did you direct any officers to go to
12 the top tiers at this time?

13 A No.

14 Q Why not?

15 A I did not recall why.

16 Q If you had a legitimate security concern,
17 would you have sent officers up to the top tiers?

18 A Yes.

19 Q That is in accordance with GEO policies and
20 practices?

21 A Yes.

22 Q It is approximately 6:39:31.

23 You're starting to walk back into the day
24 room, still waving your OC spray.

25 It's your testimony that up until now, you

1 BY MS. STEINBACK:

2 Q Let me see if we can speed this up.

3 I just am looking for you to identify the
4 instance where you used the OC spray.

5 Can you do that for me?

6 A Right there.

7 Q So 6:42:25?

8 A Because the officers moved, I shot it right
9 across the table.

10 Q So it is your testimony that is the only time
11 you used the OC spray during the interaction?

12 A Yes, ma'am.

13 Q Was that the only time that you felt it
14 appropriate to use OC spray during this incident?

15 A Yes, ma'am.

16 MS. AGUADO: I think we are done.

17 MS. STEINBACK: Okay. Thank you. You have
18 right to read -- do you want to tell her her right,
19 or if she will waive signature?

20 MS. AGUADO: Are you not doing a
21 stipulation?

22 MS. STEINBACK: Off the record.

23 (A short break was taken at this time.)

24 MS. AGUADO: So we're going to be relieving
25 the court reporter of her duties under the Federal

EXHIBIT 16

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

OMAR ARNOLDO RIVERA)
MARTINEZ; ISAAC ANTONIO)
LOPEZ CASTILLO; JOSUE)
VLADIMIR CORTEZ DIAZ; JOSUE)
MATEO LEMUS CAMPOS; MARVIN)
JOSUE GRANDE RODRIGUEZ;)
ALEXANDER ANTONIO BURGOS)
MEJIA; LUIS PEÑA GARCIA;)
JULIO CESAR BARAHONA)
CORNEJO, as individuals,)
PLAINTIFFS,)

vs.

No. 5:18-cv-01125-R-GJS

THE GEO GROUP, Inc., a)
Florida corporation; the)
CITY OF ADELANTO, a)
municipal entity; GEO)
LIEUTENANT DURAN, sued in)
her individual capacity; GEO)
LIEUTENANT DIAZ, sued in her)
individual capacity; GEO)
SERGEANT CAMPOS, sued in his)
individual capacity; SARAH)
JONES, sued in her)
individual capacity; THE)
UNITED STATES OF AMERICA;)
and DOES 1-10, individuals,)
DEFENDANTS.)

DEPOSITION OF ANTHONY REYES

Tuesday, April 30, 2019

Bakersfield, California

Reported by: Priscilla Ornelas, CSR No. 14276

Pages 1-190

1 MS. AGUADO: Objection. That's vague.

2 THE WITNESS: I didn't know, really, any of
3 them. No.

4 BY MS. SWEETSER:

5 Q. Do you speak Spanish?

6 A. Very little.

7 Q. While you were in the facility, was it ever
8 your practice to talk to the detainees in Spanish.

9 A. It's not a requirement. No.

10 Q. Did you ever do that?

11 A. Very rarely. Very rarely because I can barely
12 speak, you know, Spanish myself. Only when they were
13 only speaking Spanish and they really needed something,
14 I would do my best to try to understand.

15 Q. Where did you pick up the little Spanish that
16 you do have?

17 A. Everywhere. Friends, work. Detainees would
18 teach me too sometimes.

19 Q. It's not something you ever studied?

20 A. No.

21 Q. You don't have any family members that speak
22 Spanish?

23 A. No.

24 Q. And you don't have a memory -- in terms of the
25 detainees that were involved in this incident, you don't

1 MS. AGUADO: Assuming you heard something.

2 THE WITNESS: She was just asking them to rack
3 up for count or go back to the bunk area. She was
4 asking why were they sitting there and what -- what the
5 problem was.

6 BY MS. SWEETSER:

7 Q. Did she ask that in English or in Spanish?

8 A. English.

9 Q. Did you hear her speaking Spanish with the
10 detainees at any time?

11 A. No.

12 Q. Do you know if any of the officers that
13 responded with you speak Spanish?

14 A. I don't know if they speak Spanish or not.
15 Actually, yes. Officer Martinez does speak
16 Spanish.

17 Q. Have you heard him speaking Spanish in the
18 facility previously?

19 A. Yes.

20 Q. Have you heard him speaking Spanish with the --
21 with any of the detainees in this incident?

22 A. I don't remember him speaking Spanish with
23 these specific detainees, but I -- I remember him
24 speaking Spanish, translating to detainees when he was
25 asked to.

1 Q. When was that?

2 A. That's when -- after the wardens and the chief
3 came down, we were all talking to them. They were
4 assessing the situation. I was left in the unit to
5 watch over the rest of the detainees, and it slowly just
6 started -- like, you're sweating after all of the moving
7 and fussing and stuff. So I was sweating and the pepper
8 spray just started leaking into my eyes, and I couldn't
9 see. So I radioed for help.

10 Q. And that was after the wardens came to visit
11 the unit?

12 A. After they came and left, yes.

13 Q. Were the other -- I know -- well, is it true
14 that at some point the detainees were -- other detainees
15 who weren't part of the hunger strike were evacuated
16 from the unit; is that right?

17 A. Yes.

18 Q. Was this before or after that happened?

19 A. Where I couldn't see? It was after. So when
20 detainees that were involved in table -- or involved in
21 not racking up for count were in the rec yard, after
22 they left the rec yard, we evacuated the rest of the
23 unit into the rec yard.

24 Q. And so after they were -- the rest of the unit
25 was evacuated, you stayed behind to watch over and clean

1 up the unit?

2 A. Yes.

3 Q. And at some point the wardens came and looked
4 at the unit as well?

5 A. Right.

6 Q. Do you know -- did you talk to them at that
7 time, the wardens?

8 A. It was mainly Lieutenant Diaz speaking to them.

9 Q. Did you overhear their conversation?

10 A. No. I don't remember any of their
11 conversations.

12 Q. When you say "wardens," plural, how many
13 wardens are usually at the facility?

14 A. There's a warden and assistant -- assistant
15 warden and a deputy warden.

16 Q. And did you say there's a chief as well?

17 A. There's a chief.

18 Q. Is the chief below -- just below the wardens?

19 A. Yes.

20 Q. And, then, would Lieutenant Diaz be the next
21 rank down after the chief or are there other --

22 A. Captains.

23 Q. Were there any captains that came as well or --

24 A. I don't remember captains being there or not.

25 Q. And you don't remember anything that Lieutenant

1 help when you started having trouble seeing; is that
2 right?

3 A. Yes.

4 Q. Did someone respond to your call?

5 A. Yes.

6 Q. Who was that?

7 A. I know one of them was Officer Contreras. I
8 don't know who the other officer was because I literally
9 couldn't open my eyes.

10 Q. Did they take you somewhere in the facility?

11 A. They took me to the Medical Department.

12 Q. When you got to the Medical Department, who was
13 present?

14 A. I couldn't see. I walked blind from this unit
15 to the Medical Department.

16 Q. Did you speak to someone on the medical staff?

17 A. Yeah, it was a nurse there. I don't remember
18 what nurse it was; but we immediately just washed out my
19 eyes with water, and then they were evaluating.

20 Q. Was -- did she just wash out your eyes with
21 water, or was there any other kind of decontaminant they
22 have?

23 A. Water and soap -- hand soap.

24 MS. AGUADO: Can we take a short break?

25 MS. SWEETSER: Sure.

1 before?

2 A. Yes.

3 Q. And is it something you visited in
4 connection -- only in connection with your work at
5 Adelanto?

6 A. Yes.

7 Q. And why did you go to Desert Valley Clinic at
8 this time?

9 A. That's where they told me to go.

10 Q. They told you to go and get evaluated at Desert
11 Valley Clinic.

12 A. Yes.

13 Q. Who told you that?

14 A. Duardo. His name is Duardo. He's a safety --
15 fire and safety manager at GEO.

16 Q. When did you see him?

17 A. When I was in the Medical Department, after
18 washing out my eyes.

19 Q. How long after you arrived in the Medical
20 Department would you say he arrived?

21 A. I don't know. I don't remember.

22 Q. Was he present while Nurse Jones was examining
23 you?

24 A. I don't remember if he was present while she
25 was examining me.

1 Q. Could you spell Duardo for the court reporter
2 real quick.

3 A. D-u-a-r-d-o.

4 Q. What did he say to you about going off-site?

5 A. He just -- the main thing that -- they ask
6 certain questions when the medical staff examines me.
7 One of the questions was "Do you have asthma?" I said
8 "Yes." They asked if you're having trouble breathing; I
9 said "No."

10 So Duardo came and spoke to me, and he said
11 that they asked if my skin was a rash or if it was from
12 the OC spray. I said, "It's not a rash. It's just
13 probably from the OC spray irritating my skin." So they
14 said that because I have asthma, they're going to send
15 me out to the clinic for precautions, just to make sure
16 I'm okay.

17 Q. Did you do any kind of breathing test in the
18 facility?

19 MS. AGUADO: Objection. It's vague.

20 THE WITNESS: No.

21 BY MS. SWEETSER:

22 Q. Did Nurse Jones use a stethoscope to listen to
23 your lungs?

24 A. I don't remember if she did or not.

25 Q. When you got to Desert Valley Clinic, were you

1 seen by a doctor there?

2 A. Yes.

3 Q. And did the doctor tell you anything about how
4 to treat your injury from the pepper spray?

5 A. Yes.

6 Q. What did he say?

7 A. He said to use normal soap and water. They
8 said baby soap works best.

9 Q. Did they do any kind of test for your breathing
10 or anything like that at Desert Valley?

11 A. No. They just checked my breathing with a
12 scope. Made sure it was clear. That's it.

13 Q. And after you saw them at the clinic, did you
14 use baby soap to clean off the rest of the spray?

15 A. No.

16 After the clinic?

17 Q. Yeah, after the clinic.

18 A. Yeah. I went home and took a shower.

19 Q. Did you just use normal soap, or did you just
20 grab some baby soap somewhere to use?

21 A. I used normal soap. I didn't have baby soap.

22 Q. How long did you say it was before the effects
23 of the spray wore off for you?

24 A. About three days.

25 Q. Were you still having trouble seeing for those

1 BY MS. SWEETSER:

2 Q. Is there any reason you didn't include him in
3 the -- you say, "Lieutenant Diaz and myself gave several
4 commands." You didn't include him there. Is there any
5 reason?

6 A. Well, he came after I was trying to -- he came
7 in the middle of the incident.

8 Q. So he wasn't there when you and Lieutenant Diaz
9 were talking to the detainees in the beginning?

10 A. Right. He was not there.

11 Q. Do you remember about when he arrived? Like,
12 what was going on when he arrived?

13 A. Yeah.

14 MS. AGUADO: Calls for speculation.

15 THE WITNESS: I told you, when he arrived, we
16 were taking the detainee to the wall.

17 BY MS. SWEETSER:

18 Q. Did you hear, at any time, anyone try to reason
19 with the detainees in Spanish?

20 MS. AGUADO: Objection. That's vague as to
21 "reason."

22 THE WITNESS: I don't remember.

23 BY MS. SWEETSER:

24 Q. Do you remember anyone speaking to the
25 detainees in Spanish?

1 that chart I told you, where we checked off every food
2 meal that they did; see if they ate. Obviously, we
3 didn't have that time to do that.

4 So we needed to get them to Medical so medical
5 staff can ask them, "Hey, how long has it been since
6 you've eaten? Are you sick? Is your blood pressure
7 low?" What -- they didn't want to move with us. So
8 that's when we started telling them, "Hey, either go
9 back to your bed -- start complying with us -- let's get
10 count over with. Let's talk about this situation; or if
11 you don't, if you want to completely refuse and, as you
12 say, 'start a hunger strike,' we're gonna have to get
13 you into Medical because we can't leave you in the unit
14 without eating. You're gonna harm yourself." So...

15 Q. So did you specifically tell the detainees that
16 you wanted them to go to Medical?

17 A. Yes. I gave them two options: to go back to
18 their beds or come out with us. "We'll take you to
19 Medical." They didn't want to do either. They just
20 wanted to sit there at the table until an ICE officer
21 came.

22 Q. And that was something that you said to them in
23 English?

24 A. Yes. And there were some detainees that spoke
25 English there.

1 where we would call and the translator would tell us
2 what they want, what they needed.

3 Q. Did you ever use that translator line while you
4 were working at GEO?

5 A. No, I did not.

6 Q. Were there any other techniques or tips they
7 gave you for communicating across the language barrier?

8 A. They would just find out if anybody else --
9 they would tell us to find out if anybody else in the
10 unit that spoke their language also spoke English, which
11 a hundred percent of the time that's what my experiences
12 came down to. I always found somebody who spoke English
13 and was able to translate in the dorm. I mean,
14 99 percent of the time, the detainees wouldn't even try
15 to communicate with us without bringing somebody that
16 spoke English because they knew that I didn't speak a
17 lot of different languages. So someone who didn't speak
18 English would rarely approach me, try to communicate
19 with me. They would always bring somebody and say,
20 "Hey, tell the officer this for me."

21 Q. Did you see in this case anyone who wasn't
22 seated at the tables translating for these detainees?

23 A. Excuse me? I don't understand your question.

24 Q. Did you see anyone -- so besides the detainees
25 who were sitting at the tables, did you see any other

1 BY MS. SWEETSER:

2 Q. At the time --

3 A. So...

4 Q. I'm sorry. I'll let you finish your answer.

5 Sorry.

6 MS. AGUADO: I think you responded to her
7 question.

8 THE WITNESS: Okay.

9 BY MS. SWEETSER:

10 Q. At the time that you and Officer Martinez were
11 pulling up the first detainee you pulled out of his
12 seat --

13 A. Uh-huh.

14 Q. -- had pepper spray been deployed at that time?

15 A. I don't remember if it had or not.

16 MS. AGUADO: Maybe this would be a good time to
17 just watch the video.

18 MS. SWEETSER: All right. Let me see if I'm
19 done with my training questions.

20 BY MS. SWEETSER:

21 Q. In your opinion, was this a rebellion?

22 A. Excuse me?

23 Q. In your opinion, was this a rebellion?

24 A. Yes. I believe the detainees were just not
25 wanting to comply.

1 Q. What were you trained that a rebellion is?

2 A. We weren't trained on rebellion. It was more
3 combative and not complying.

4 Q. So that wasn't a term that they used in your
5 training?

6 A. "Rebellion," no. Not that I remember.

7 Q. In what verbal controls of detainees were you
8 trained on?

9 A. Excuse me?

10 Q. Were you trained on something called "verbal
11 controls of detainees"?

12 A. There was -- it wasn't verbal controls. It
13 was -- they called it verbal judo. So it was
14 controlling with the words that we used. There's words
15 that we need to say to gain control.

16 Q. And what weaponless controls were you trained
17 on?

18 A. Like, verbal judo. Our -- you mean as a
19 defensive?

20 Q. Well, I was just wondering: Were you trained
21 on anything like restraining holds --

22 A. Uh-huh.

23 Q. -- or pain compliance techniques?

24 A. Yes, pressure points.

25 Q. Would you call them weaponless controls?

1 A. I don't know what I would call them. I would
2 just call them pressure points.

3 Q. Are those major or minor uses of force?

4 A. I don't -- I don't remember if it was major or
5 minor.

6 Q. Were you using any restraining holds on the
7 detainees in this incident?

8 A. I believe I was trying to use a pressure point
9 behind the ear on the detainee that was elbowing.

10 Q. And was that effective?

11 A. Yes.

12 Q. Is the reason you don't remember if pepper
13 spray was deployed or not because you didn't need pepper
14 spray to get the detainee out of his seat?

15 MS. AGUADO: Objection. Misstates his
16 testimony. Calls for speculation.

17 Go ahead.

18 THE WITNESS: I don't even know if the detainee
19 was sprayed or not at the time. So I don't know.

20 BY MS. SWEETSER:

21 Q. But you didn't need the pepper spray to get him
22 up. You used the pressure points, and that was what got
23 him up?

24 A. I don't know what got him up. I just know that
25 I was there; he was elbowing; I used a pressure point

1 behind his ear; and he just eventually got up.

2 Q. Did you feel that you and Officer Martinez were
3 capable of getting that detainee out of his seat?

4 MS. AGUADO: Objection. It's vague. Also
5 misstates his testimony. I think he previously said
6 there were three people present.

7 THE WITNESS: Right. There was me, Officer
8 Martinez, and Officer Gillon.

9 BY MS. SWEETSER:

10 Q. And were the three of you capable of getting
11 the detainee up?

12 A. Capable as in what? What do you mean
13 "capable"?

14 Q. Did you -- you managed between the three of you
15 to get him out of his seat. Yes?

16 A. After so many times trying to talk to him and
17 eventually restraining him. He definitely didn't want
18 to get up out of his seat.

19 Q. Do you know about how long it was between when
20 you saw that detainee elbowing Officer Martinez and
21 how -- and when he got out of his seat?

22 A. No, I don't know how long it was.

23 Q. Were you ever trained that you should
24 administer pepper spray at a distance of more than five
25 feet?

1 MS. SWEETSER: It's 6:33:30 at C-3.

2 MS. TISHKOFF: C-3?

3 MS. SWEETSER: Yeah.

4 BY MS. SWEETSER:

5 Q. Does that help at all? I'm zooming in on
6 Ms. Diaz.

7 A. Right. I -- I can't tell what she has in her
8 hand right there.

9 Q. At this time, were you talking to the detainees
10 as well? Were you speaking to them at this time?

11 MS. AGUADO: Calls for speculation.

12 If you know.

13 THE WITNESS: No.

14 BY MS. SWEETSER:

15 Q. Is this -- do you -- do you know if this --
16 well, let's go forward a little bit. Sorry.

17 All right. So I have it on 6:35:41. Do you
18 see yourself in this portion of the video?

19 A. I do.

20 Q. And is that you speaking with a detainee on the
21 lower right-hand side of the table?

22 A. Yes.

23 Q. Do you remember if you were speaking English to
24 the detainee?

25 A. Yes.

1 Q. Do you remember if he was responding to you in
2 English?

3 A. Yes.

4 Q. And what was he saying to you at this time?

5 A. I don't remember exactly what he was saying to
6 me.

7 Q. We've watched a little bit of it from 6:35:41.
8 Do you see anything in front of any of these detainees
9 on the table?

10 A. Yes.

11 Q. And what's that in front of them?

12 A. I see a white piece of paper.

13 Q. Was that a list of demands they had in front of
14 them?

15 MS. AGUADO: Objection. Calls for speculation.
16 If you know.

17 THE WITNESS: I don't know what that was.

18 BY MS. SWEETSER:

19 Q. You didn't actually -- you didn't take a close
20 look at it during this incident?

21 A. I don't remember. I don't remember that paper
22 at all.

23 Q. Do you see what is in Lieutenant Diaz's hand at
24 this point at around 6:36:22?

25 A. Yes.

1 Q. And what is that?

2 A. That's her pepper spray she's holding.

3 Q. Do you remember if she was giving commands to
4 the detainees at this time?

5 MS. AGUADO: Calls for speculation.

6 If you know.

7 THE WITNESS: I don't remember, no.

8 BY MS. SWEETSER:

9 Q. And if I fast-forward a little bit to 6:37:49,
10 do you see yourself in this frame?

11 A. I think that's me, but I'm not positive.

12 Q. So you pointed to -- there's someone walking
13 between these two tables. Is that the person you're
14 pointing to?

15 A. Yes.

16 Q. And you think that's probably you?

17 A. Probably. I'm not sure. You would have to
18 play the video for me to find out.

19 Q. Okay. I'll play a little bit of it. We're
20 starting at 6:37:49 on the video.

21 A. Yes, that was me.

22 Q. And you're stopping there to talk to the
23 detainees again; is that correct?

24 A. Yes.

25 Q. And, again, you're speaking English to them?

1 A. Yes.

2 Q. And do you remember anything that you were
3 saying at this time?

4 A. Just asking them to come -- "Come with me."
5 Like, "Go back to your bed. You just don't want to do
6 this."

7 Q. Have you seen a version of this video with
8 sound, or is it only silent?

9 A. It's only silent. They don't pick up -- the
10 cameras don't pick up sound.

11 Q. And do you -- where are you now in the video?

12 A. I'm over there helping with the combative
13 detainee.

14 Q. Is that the detainee you remember seeing elbow
15 Officer Martinez?

16 A. Yes.

17 Q. So I think that is at 6:38:34. I'll back it up
18 just a little bit. I don't see any crossover.

19 All right. So we're at 6:37:53, and you're
20 still on the right-hand side; correct?

21 A. Okay. Yes.

22 Q. And just identify for me -- I'll stop it when
23 you think you see the elbowing happening.

24 A. Right there. There's the -- the officer's
25 moving back and forth.

EXHIBIT 17

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

**CERTIFIED
TRANSCRIPT**

OMAR ARNOLDO RIVERA)
MARTINEZ; ISAAC ANTONIO)
LOPEZ CASTILLO; JOSUE)
VLADIMIR CORTEZ DIAZ; JOSUE)
MATEO LEMUS CAMPOS; MARVIN)
JOSUE GRANDE RODRIGUEZ;)
ALEXANDER ANTONIO BURGOS)
MEJIA; LUIS PEÑA GARCIA;)
JULIO CESAR BARAHONA)
CORNEJO, as individuals,)

Plaintiffs,)

VS.)

Case No.)

THE GEO GROUP, INC., a) 5:18-cv-011250-R-GJS
Florida corporation; THE)
CITY OF ADELANTO, a)
municipal entity; GEO)
LIEUTENANT DURAN, sued in)
her individual capacity;)
GEO LIEUTENANT DIAZ, sued in)
her individual capacity;)
GEO SERGEANT CAMPOS, sued in)
his individual capacity;)
SARAH JONES, sued in her)
individual capacity; THE)
UNITED STATES OF AMERICA;)
and DOES 1-10, individuals,)

Defendants.)

DEPOSITION OF RODRICK GILLON
PERSON MOST KNOWLEDGEABLE

MONDAY, MAY 13, 2019

REPORTED BY CHRISTINE RYBICKI, C.S.R. 13481

PAGES 1 - 181

JOB NO. 3294594

Page 1

1 Q Can you speak any Spanish outside of what you
2 learned? After taking Spanish classes in high school,
3 do you feel like you can speak Spanish?

4 A No.

5 Q When you were working for the temp agency at
6 various warehouses, were you ever disciplined for
7 anything on the job?

8 A No.

9 Q Were you given any verbal warnings by any
10 supervisors?

11 A No.

12 Q Have you ever been fired from a job before?

13 A No.

14 Q When you were first hired with The GEO Group,
15 what sort of training did you receive?

16 MS. AGUADO: It's a little vague and ambiguous.

17 Is there any way you can narrow it down?

18 BY MS. ALARCON:

19 Q When you were hired by The GEO Group, did you
20 receive any training?

21 A Yes.

22 Q How long were you trained for?

23 A Three weeks.

24 Q Was that in a classroom or on the field?

25 A Class.

1 Q Can you describe what count is?

2 A It's a count we do every day, accountability of
3 the detainees that are there in each unit.

4 Q When you say count is done every day, how many
5 times a day is it done?

6 A Twice a shift.

7 Q And how many shifts are there?

8 A Three.

9 Q So it's done six times a day?

10 A Yes.

11 Q When -- you mentioned that you, as a dorm
12 officer, are the only officer in a dorm, right?

13 A Yes.

14 Q Do you perform the count in each dorm during your
15 shift?

16 A No.

17 Q Who --

18 A Yes. Me and another officer as the utility, if
19 I'm assigned to that unit.

20 Q Is that GEO's practice?

21 A Yes.

22 Q So is it a dorm officer plus a utility officer
23 that conduct a count in each dorm?

24 A Yes.

25 Q And who does the first count, the dorm officer or

1 that morning?

2 A I'm not sure.

3 Q Would you have documented that in your logbook?

4 A I'm not sure.

5 Q In June 2017, was it your usual practice to
6 document missed meals in the logbook?

7 A Yes.

8 Q Would you have documented that in your personal
9 paper that you hand to your shift supervisor at the end?

10 A Yes.

11 Q Are you aware that on June 12th, 2017, detainees
12 in 2 Charlie declared a hunger strike?

13 A Was I aware?

14 Q Yes.

15 A Before I left, yeah.

16 Q How did you learn of that?

17 A Letter.

18 Q Who gave you that letter?

19 A Detainees.

20 Q Detainees?

21 A Yes.

22 Q Was it more than one detainee?

23 A Yes.

24 Q Can you describe the contents of the letter?

25 A Not sure.

1 Q How did this letter put you on notice that there
2 was a declared hunger strike?

3 A I'm not sure what it said. I don't know.

4 Q Was the letter in English?

5 A I'm not -- yes.

6 Q The letter was written in English?

7 A (Nods head.)

8 Q What do you mean when you say that you're not
9 sure what the letter said?

10 A I don't remember what it said on there.

11 Q So you don't recall as you sit here today what
12 the letter said?

13 A No.

14 Q But you do recall that it was in English?

15 A Yeah.

16 Q As you sit here today, do you recall anything
17 that was said in the letter?

18 A No.

19 Q Do you recall how long the letter was?

20 A No.

21 Q Do you recall how many pages the letter was?

22 A No.

23 Q Was it more than one page, do you remember?

24 A Not sure.

25 Q What was it about this letter that made you aware

1 of a hunger strike?

2 A I don't remember.

3 Q What about the situation -- let me rephrase.

4 You previously said that if a detainee missed
5 more than one meal, you would document that in the
6 logbook?

7 A Yes.

8 Q What about this situation made you document these
9 detainees missed meals in the logbook?

10 A I never -- I never knew about the detainees till
11 I left. So I don't know if they ate or didn't eat.

12 Q Do you recall if this list -- this letter was
13 handed to you before or after breakfast was served?

14 A I'm not sure.

15 Q What do you mean when you say you didn't know
16 about the detainees until you left?

17 A Before I left they gave me a letter. So I don't
18 know if that was the same detainees that didn't eat or
19 did eat. They could have ate.

20 Q Did the detainees who handed you the letter stand
21 out to you in any way before you received this letter
22 from them?

23 A No.

24 Q But you were monitoring all of the detainees in
25 the unit, correct?

1 Q At the end of your shift was it your intention to
2 go home or work an overtime shift?

3 A Go home. Not sure.

4 Q You're not sure or you were gonna go home?

5 A I wasn't sure if I worked overtime that day.

6 Q When would you typically work overtime?

7 A What do you mean?

8 Q Would you have the option to work overtime or --

9 A No.

10 Q -- were you required to stay longer if something
11 happened?

12 A It's either I get mandated or I volunteer. So I
13 don't know if I volunteered or got mandated that day.

14 Q So as you sit here today, you don't remember if
15 when Officer Gindi came to relieve you, it was your
16 intention to go home --

17 A No, I don't remember.

18 Q -- or stay?

19 What did you do with the letter that the
20 detainees gave you when Officer Gindi arrived?

21 A Report it to my supervisor.

22 Q Did you document that you received a letter in
23 the logbook that was at the podium?

24 A I'm not sure.

25 Q And who was your supervisor this day?

1 A For first watch?

2 Q Well, my understanding is that you were still on
3 third watch, correct?

4 A It was 6:30, so it had to have been Lieutenant
5 Diaz, the first watch lieutenant.

6 Q So when 6:30 hit, the first watch supervisor
7 takes over. And that was Lieutenant Diaz?

8 A Yes.

9 Q And where was Lieutenant Diaz when you reported
10 the letter to her?

11 A Not sure.

12 Q Was she in the dorm?

13 A No. I'm not sure.

14 Q You mentioned earlier that at 6:30 a.m. first
15 watch performs their briefing; is that right?

16 A 6:30?

17 Q Mm-hmm.

18 A Yes.

19 Q So could Lieutenant Diaz have been in her
20 briefing?

21 MS. AGUADO: Objection; calls for speculation.
22 If you know.

23 THE WITNESS: I don't recall. I don't know.

24 BY MS. ALARCON:

25 Q Does Lieutenant Diaz have an office at the

1 BY MS. ALARCON:

2 Q What did you say to Officer Diaz when you
3 reported the letter to her?

4 A Not sure.

5 Q Is there any reason you would not have given
6 Lieutenant Diaz the entire letter when you reported it
7 to her?

8 MS. AGUADO: Objection; assumes facts, lacks
9 foundation.

10 BY MS. ALARCON:

11 Q You can answer.

12 A What do you mean the entire letter?

13 Q Let me rephrase.

14 Did you hand Officer Diaz the letter when you
15 reported it to her?

16 A I'm not sure.

17 Q You do not recall in what way you reported the
18 letter to Ms. Diaz?

19 A I don't know which lieutenant I gave it to.

20 Q Well, earlier you said you reported it to your
21 supervisor, Lieutenant Diaz. How did that reporting
22 take place?

23 A I'm not sure.

24 Q Based on your training and experience working
25 there, would you have taken the letter home with you

1 that day?

2 A No.

3 Q Would you have given it to a supervisor?

4 A Yes.

5 Q Would that supervisor have been Lieutenant Diaz?

6 A Probably so, yes.

7 Q So presumably you could have given the letter to

8 Lieutenant Diaz?

9 A I'm not sure.

10 Q Is there any reason why you would not have given
11 it to Lieutenant Diaz?

12 A Second watch and third watch is different. So
13 third watch will have sergeants. So I don't know if
14 there was a sergeant I gave it to in first watch or
15 Lieutenant Diaz. So I'm not sure who I gave it to.

16 Q So it could have been a sergeant from first
17 watch --

18 A Yes.

19 Q -- or Lieutenant Diaz --

20 A Yes.

21 Q -- from first watch?

22 A Yes.

23 Q Great.

24 Were there other officers around when you
25 reported the incident to Lieutenant Diaz?

1 A I'm not sure.

2 MS. AGUADO: Objection; again, it misstates his
3 testimony. He already said he's not sure who he
4 reported it to, but go ahead.

5 THE WITNESS: Not sure.

6 MS. ALARCON: Just to clarify, he said he's not
7 sure who he reported the letter to, but he reported the
8 incident to his supervisor Lieutenant Diaz.

9 BY MS. ALARCON:

10 Q Is that right?

11 A I'm not sure.

12 Q So earlier you testified that you reported the
13 incident to Lieutenant Diaz; is that true?

14 A I'm not sure.

15 Q Lieutenant Diaz would have been the shift
16 supervisor for first watch, right?

17 A Yes.

18 Q And you would report -- you would report to your
19 supervisor who is a shift supervisor at first watch at
20 6:30; is that right?

21 A It's a chain we go to on first watch; sergeant,
22 lieutenant. So I don't know if I gave it to Sergeant
23 'cause usually it's supposed to go to the sergeant first
24 on first watch. So I reported it to them, and then the
25 lieutenant. So I don't know if I gave it to the

1 sergeant or the lieutenant.

2 Q I understand. I understand that you're not sure
3 who you gave the letter to. I'm asking who you reported
4 the incident to.

5 Is that still true that you don't know if it was
6 the sergeant or the lieutenant?

7 A Yeah, I'm not sure.

8 Q When you reported this incident to whoever it was
9 that you reported it to, were there other officers in
10 the room?

11 A Not sure.

12 Q What happened after you reported the incident to
13 a supervisor?

14 A I'm not sure.

15 Q Did you leave for work? Did you leave -- did you
16 clock out after you reported the incident to a
17 supervisor?

18 A No.

19 Q What did you do?

20 A I'm not sure.

21 Q What's the next thing you remember happening?

22 A Officer called on the radio.

23 Q Do you know what officer called on the radio?

24 A Gindi.

25 Q Did you have a radio on you at the time?

1 Q Were you able to separate them?

2 A Yes.

3 Q How did you separate them?

4 A How did I separate them?

5 Q Mm-hmm.

6 A By just pulling them apart.

7 Q Did you do that by yourself or with the
8 assistance of other officers?

9 A Assistance.

10 Q How many other officers helped you?

11 A I'm not sure.

12 Q Are you familiar with come-along holds?

13 A Come-along holds? Yes.

14 Q Can you describe what that is?

15 A Presence, verbal commands.

16 Q Did you use come-along holds here?

17 A I'm not sure, but our presence was there.

18 Q Do you believe that that's how you were able to
19 separate the detainees?

20 A By presence and verbal commands?

21 Q Yes.

22 A No.

23 Q How was it that you were able to separate the
24 detainees?

25 A Light use of force.

1 A No.

2 Q Does it refresh your recollection as to what you
3 did with the papers when you left?

4 A No.

5 Q Okay. I'm switching to view C2, the timestamp
6 6:31:29.

7 Based on what we see here, is it -- and because
8 you just left the room, is it your understanding that
9 Officer Gindi is the only officer in the room?

10 A Yes.

11 Q It looks like Officer Gindi is writing on that
12 envelope that we talked about earlier. Does it appear
13 that way to you or do you know based on your experience
14 working this dorm whether she would be writing on that
15 same envelope?

16 A I don't know.

17 Q Switching to view C4. Switching to C3, timestamp
18 6:32:47.

19 Can you describe what the nine detainees sitting
20 at the tables are doing?

21 A Sitting at the table talking.

22 Q Time is 6:33:01, still on view C3.

23 Can you describe what just happened here?

24 A Lieutenant Diaz and other officers walk in.

25 Q Do you know what Lieutenant Diaz is holding in

1 Q Time 6:35:43.

2 Can you describe what looks like Officer Reyes is
3 doing at the bottom right-hand corner near the table?

4 A Talking to the detainees.

5 Q Do you recall what he was saying?

6 A No.

7 Q Do you recall what language he was speaking to
8 the detainees in?

9 A No.

10 Q Do you know if Officer Reyes speaks Spanish?

11 A No.

12 Q You don't know or he does not?

13 A I don't know.

14 Q I'm gonna pause it here at 6:36:38.

15 Based on the officers we've just described, are
16 any of those utility officers -- or were any of those a
17 utility officer that day?

18 A I'm not sure.

19 Q Did you --

20 A Those are the first watch officers, so I don't
21 know their post if I'm not in their briefing.

22 Q Okay. I'm stopping at 6:37:0 -- just 6:37.

23 Can you describe what you're doing here? I can
24 rewind it.

25 A Asking a detainee to get up.

1 Q Other than asking him to get up, did you give him
2 any other verbal commands?

3 A I'm not sure.

4 Q Time 6:37:48.

5 Can you describe -- do you know the individual
6 who's in the right corner of the screen in front of the
7 third table in the middle row right in front of it with
8 the badge?

9 A Jones.

10 Q Is that Nurse Jones that we were talking about
11 earlier?

12 A Yes.

13 Q Do you know why Nurse Jones was here?

14 MS. ISFELD: Objection; calls --

15 THE WITNESS: No.

16 MS. ISFELD: -- for speculation, lacks
17 foundation.

18 BY MS. ALARCON:

19 Q Based on your training at The GEO Group, in what
20 situation would medical personnel be called into 2
21 Charlie?

22 MS. ISFELD: Objection; vague and ambiguous,
23 incomplete hypothetical.

24 MS. AGUADO: Calls for speculation as well, lacks
25 foundation that he would know when medical's called even

1 though he's not on medical.

2 You can answer if you know.

3 BY MS. ALARCON:

4 Q You can answer.

5 A Restraint.

6 Q The time here is 6:38:05.

7 Can you describe what you're doing here? I can
8 rewind it.

9 A Trying to separate the detainees.

10 Q And -- and just for the record, it looks like
11 you're talking about the two detainees who are on the
12 left-hand side of the table -- of the first table,
13 right?

14 A Yes.

15 MS. AGUADO: It's kind of the middle one.

16 MS. ALARCON: Right. The first table where
17 detainees are sitting in the middle row in the center of
18 the screen.

19 BY MS. ALARCON:

20 Q Had they linked arms at this point?

21 A Yes.

22 Q Had you given more than the verbal command to get
23 up at this point?

24 A I'm not -- yes.

25 Q Do you know how many additional verbal commands

1 A No.

2 Q The view is still C4 and the time 7:20:53.

3 Do you see yourself in this frame?

4 A No.

5 Q And 7:21:26.

6 Do you recognize the two individuals who are in
7 this frame?

8 A Yes.

9 Q Do you know who they are?

10 A Yes.

11 Q Can you tell me who they are?

12 A AW Johnson and A Warden Janica.

13 Q Which is AW Johnson?

14 A All black. White shirt is Janica.

15 Q Okay. That's all I have for the video. And I'm
16 almost done.

17 When you removed the detainees from 2 Charlie,
18 were you instructed by anyone to take them to the rec
19 yard?

20 A No.

21 Q Were you instructed by anyone to take them to
22 medical?

23 A No.

24 Q Is there a reason you took them to the rec yard
25 as opposed to any other location?

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) ss.
3

4 I, CHRISTINE RYBICKI, C.S.R. No. 13481, in and
5 for the State of California, do hereby certify:

6 That prior to being examined, the witness named
7 In the foregoing deposition was by me duly sworn to
8 Testify to the truth, the whole truth, and nothing but
9 the truth;

10 That said deposition was taken down by me in
11 shorthand at the time and place therein named and
12 thereafter reduced to typewriting under my direction,
13 and the same is a true, correct, and complete transcript
14 of said proceedings;

15 That if the foregoing pertains to the original
16 transcript of a deposition in a Federal Case, before
17 completion of the proceedings, review of the transcript
18 { } was { } was not required.

19 I further certify that I am not interested in the
20 event of the action.

21 Witness my hand this 29th day of May, 2019.

22
23 
24

25 CHRISTINE RYBICKI, C.S.R. No. 13481

EXHIBIT 18

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

OMAR ARNOLDO RIVERA)
MARTINEZ; ISAAC ANTONIO)
LOPEZ CASTILLO; JOSUE)
VLADIMIR CORTEZ DIAZ; JOSUE)
MATEO LEMUS CAMPOS; MARVIN)
JOSUE GRANDE RODRIGUEZ;)
ALEXANDER ANTONIO BURGOS)
MEJIA; LUIS PEÑA GARCIA;)
JULIO CESAR BARAHONA)
CORNEJO, as individuals,)

Plaintiffs,)

VS.)

Case No.

5:18-cv-011250-R-GJS

THE GEO GROUP, INC., a)
Florida corporation; THE)
CITY OF ADELANTO, a)
municipal entity; GEO)
LIEUTENANT DURAN, sued in)
her individual capacity;)
GEO LIEUTENANT DIAZ, sued in)
her individual capacity;)
GEO SERGEANT CAMPOS, sued in)
his individual capacity;)
SARAH JONES, sued in her)
individual capacity; THE)
UNITED STATES OF AMERICA;)
and DOES 1-10, individuals,)

Defendants.)

DEPOSITION OF OFFICER REBECCA JINDI
FRIDAY, JUNE 14, 2019

JOB NO. 3400591
REPORTED BY CHRISTINE RYBICKI, C.S.R. 13481
PAGES 1 - 82

1 count?

2 A Yes.

3 Q Can you describe what you did during count?

4 A We count at like certain times. So in the first
5 watch we count 6:30, but we can't proceed count until
6 another fellow officer comes in and assists with count.

7 Q Is that the utility officer?

8 A Utility or extra available officer.

9 Q And why do you need two officers present during
10 count?

11 A To make sure that we have the right count, if
12 we're missing anybody, or they're all accounted for.

13 Q Could you begin count if another officer was not
14 there?

15 A No.

16 Q Can you describe why that is?

17 A Just security reasons.

18 Q What reasons, I'm sorry?

19 A Security reasons, protocol.

20 Q Is that what you were trained GEO's policy is?

21 A Yes.

22 Q Is there a second count that happens during first
23 watch?

24 A Yes, there is, but I'm not sure on the time.
25 It's been so long.

1 Q But it would be before 2:30 p.m.?

2 A Yes.

3 Q So you said that the first count is announced at
4 6:30 in the morning for first watch?

5 A Mm-hmm.

6 Q And you if you worked at the first watch, you
7 would clock in at 6:00 a.m., right?

8 A Yes.

9 Q What would you do between 6:00 and 6:30?

10 A Well, before we go to our post we're briefed, and
11 then count is prepped at 6:30 a.m., and then it's
12 initiated at 6:30.

13 Q What do you mean by count is prepped?

14 A We give them 10 minutes to get water, whatever
15 they need, toilet paper, shampoo, toothpaste before
16 they're racked up for count, use the bathroom.

17 Q And how -- would you ever announce that it was
18 time to prepare for count?

19 A Yes.

20 Q How would you announce that?

21 A Say "prep for count" or "cuenta" means count.

22 Q You would announce it in Spanish as well?

23 A Yes.

24 Q Would you make a second announcement when count
25 was going to begin?

1 A Yes.

2 Q And what was that announcement?

3 A It would be at 6:30.

4 Q What would you say?

5 A Or no, five minutes before.

6 Q So about 6:25 you would announce that count was
7 going to begin?

8 A Yes.

9 Q And what would you say to announce that?

10 A "Count time."

11 Q Would you announce that even if a second officer
12 was not in the dorm?

13 A Yes.

14 Q But you wouldn't begin count if the second
15 officer was not in the dorm, right?

16 A Right. Yes.

17 Q Does count happen at the same time throughout the
18 entire facility?

19 A Yes.

20 Q And say, for example, in 2 Charlie, do all of the
21 detainees remain in their bunks while the rest of the
22 facility clears count?

23 A Yes.

24 Q And how long does that usually take?

25 A It's probably about 20 minutes. 15, 20 minutes.

1 Q Do the detainees have to be awake during count?

2 A No, they don't have to be awake.

3 Q While one officer is performing count in a dorm
4 what is the other officer doing?

5 A I am standing by down by the podium.

6 Q And then would you switch with the other officer?

7 A Yes.

8 Q And that other officer would stand by the podium?

9 A Yes.

10 Q How would you document something that's happening
11 in a dorm?

12 A I would log it in my logbook.

13 Q Is that a personal logbook or is that one that
14 all dorm officers use?

15 A Which all dorm officers use.

16 Q And that stays at the podium?

17 A Yes.

18 Q Do you carry a personal notebook?

19 A No.

20 Q As dorm officer, do you carry a radio?

21 A Yes.

22 Q If you ever called in a disturbance, would you
23 document that in a logbook?

24 A Yes.

25 Q What other things would you document in a

1 If you know.

2 THE WITNESS: I'm not sure.

3 BY MS. ALARCON:

4 Q Do you know who your supervisor was on June 12th,
5 2017?

6 A Lieutenant Diaz.

7 Q Was she the supervisor for all of first watch?

8 A Yes, that day.

9 Q Can you describe what you did when you first
10 arrived to work on June 12th, 2017?

11 A I went to my briefing, then they gave me my post.
12 I went to my post. I relieved the officer from third
13 watch. He stated that he got a piece of paper and I
14 told him okay, take it to the supervisor.

15 Q Before you went to your briefing did you first go
16 to Central Control?

17 A After briefing I go to Central to get my
18 equipment, and then I assume my post.

19 Q Do you remember if that day you checked out
20 equipment from Central Control?

21 A I'm not sure.

22 Q Do you remember who gave the briefing?

23 A Lieutenant Diaz.

24 Q Is there anything significant that stood out to
25 you at the briefing?

1 A No.

2 Q Just a regular day?

3 A Yeah, just regular.

4 Q And is that when you were assigned to 2 Charlie?

5 A Mm-hmm. Yes, ma'am.

6 Q Had you been assigned to 2 Charlie before?

7 A I probably have.

8 Q Do you remember who the officer you relieved from
9 third watch was?

10 A I believe it was Officer Dillon (phonetic) or --

11 Q Gillon?

12 A Gillon.

13 Q And you said that he told you he received a piece
14 of paper?

15 A Mm-hmm.

16 Q Is there anything else that he told you?

17 A Not that I recall.

18 Q Did you read the piece of paper?

19 A No.

20 Q Did you -- when he told you this, was that in
21 your one-on-one briefings that you have when relieving
22 an officer?

23 A Yes.

24 Q Did he mention anything about a hunger strike?

25 A I don't believe he did, but I think he was saying

1 something was going on. And I told him, I said okay,
2 just take it to the lieutenant's office.

3 Q And when you say something's going on, what is
4 that in reference to?

5 A He didn't elaborate.

6 Q When you arrived to 2 Charlie, was there anything
7 that stood out to you?

8 A Not at first. I just got on post and -- and I
9 was telling them okay, rack up for count. And I said it
10 in English and Spanish couple times. And they refused
11 to rack up, so that's when I called my supervisor.

12 Q When you say that you told Gillon to take the
13 paper to supervisor, are you referring to Lieutenant
14 Diaz?

15 A Yes.

16 Q At that time did you make any call on the radio?

17 A Yes. When they weren't complying with my verbal
18 commands, I asked for assistance 'cause they refused to
19 rack up. They were interlocking themselves.

20 Q Before you gave the command to the detainees did
21 you make a call on the radio?

22 A No.

23 Q So you didn't call in and say Gillon is taking a
24 piece of paper to the supervisor?

25 A No.

1 Q When you say you told the detainees to rack up,
2 was that to prepare for count?

3 A Well, by that time I think it was like already
4 time for count at 6:30 and they weren't -- they refused.
5 They were like no, we're not.

6 Q And do you think that it was time for count
7 because it was 6:30 or because it had been previously --

8 A It was announced.

9 Q Who was it announced by?

10 A By Central Control.

11 Q When you say it was announced by Central Control,
12 does Central Control make an announcement to each dorm?

13 A They say it over the radio to all housing units.

14 Q Is that to the dorm officers?

15 A Yes.

16 Q So it's not a command to the detainees, right?

17 A No.

18 Q And so is it your understanding that the time
19 to -- the prep for count announcement had already been
20 given?

21 A Mm-hmm. Yes.

22 Q Would that have been given by Officer Gillon?

23 A Yes.

24 Q But you don't know for certain?

25 A I'm not sure, but even if he doesn't, I announce

1 it. So I always give -- probably like six times I tell
2 them prepare for count, it's count time, cuenta. So I
3 give them plenty of time.

4 Q And you say that you announced cuenta in Spanish?

5 A Mm-hmm.

6 Q Is this a distinction between prep for count in
7 Spanish and count is starting that you give?

8 A I think it means the same thing. I -- usually if
9 one of the detainees, they understand English, they'll
10 usually say it in Spanish to them or they'll be like
11 "it's cuenta, let's rack up," you know.

12 And then if they don't say, you know, I'll have
13 somebody else translate it, maybe another officer that
14 speaks the language. But yeah, usually it's the same
15 routine all the time. It never changes.

16 Q But just so I'm understanding. If you announce
17 prep for count, you say cuenta, and if you announce the
18 count is beginning, you say cuenta?

19 A Yes.

20 Q And you don't say anything different?

21 A No.

22 Q And that's because you can't speak Spanish,
23 right?

24 A Exactly.

25 Q When you relieved Officer Gillon that day, did

1 you announce prep for count?

2 MS. AGUADO: Objection; calls for speculation.

3 If you remember.

4 THE WITNESS: I'm not sure if he announced it.

5 BY MS. ALARCON:

6 Q Sorry. I asked if you announced prep for count
7 that day.

8 A Oh, when I --

9 MS. AGUADO: Objection; calls for speculation.

10 Go ahead.

11 THE WITNESS: Can you -- if I announced prep for
12 count when he was in the dorm with me or after he left?

13 BY MS. ALARCON:

14 Q Either.

15 A When he left, I announced it. When I assume post
16 and they weren't racking up, I announce it.

17 Q So when you announced prep for count, was it your
18 understanding that the detainees have a 10-minute grace
19 period after that to rack up for count?

20 A Yes.

21 Q Did you document your prep for count announcement
22 in the logbook?

23 A If I did, then it should be in there.

24 Q Typically you would have documented that?

25 A Yes.

1 A No.

2 Q You never tried to talk to the detainees at all,
3 right?

4 A No.

5 Q And what happened after Diaz sprayed the table?

6 A They were still interlocked. One unlocked so
7 they took him out. And then they were trying to get the
8 other detainees, you know, to unlock their arms and they
9 still wouldn't.

10 Q And at any point were you involved in trying to
11 unlock the detainees?

12 A No.

13 Q Why is that?

14 A 'Cause I just stayed out of the way. I was
15 trying to control my other detainees that were in the
16 dorm, trying to calm them down.

17 Q How did you try to calm them down?

18 A I told them stop, stop, you know, it's okay, just
19 stop, you're making it worse, you know.

20 Q What were they doing?

21 A They were just, you know, talking loud, started
22 to yell, asked them to not be yelling, to get away from
23 the wall 'cause they were trying to look over the wall.

24 Q They were trying to see what was happening?

25 A Yeah.

1 Q And did they comply with your orders?

2 A Yes.

3 Q Did you feel like you didn't need to get involved
4 with the detainees that were sitting at the table?

5 A Yeah, I didn't need to get involved.

6 Q And what happened when Sergeant Campos arrived?

7 A Not sure. It just happened so fast. I'm not
8 sure.

9 Q Do you know if Sergeant Campos deployed pepper
10 spray?

11 A I believe he did.

12 Q Do you remember how many times he deployed pepper
13 spray?

14 A No, I don't.

15 Q At some point did you see medical personnel
16 arrive in 2 Charlie?

17 A I don't remember.

18 Q What do you remember happening after Sergeant
19 Campos used his pepper spray?

20 A Well, everybody was coughing, you know. The
21 detainees were coughing. I was coughing. So I mean, at
22 one point I left, you know. I went to the yard to
23 breathe so I can breathe.

24 Q When you left to the yard to catch your breath,
25 were the detainees that were sitting at the table --

1 were there any detainees still sitting at the table?

2 A I don't recall.

3 Q When you say everybody was coughing and even the
4 detainees were coughing --

5 A Yeah, because of the spray, the smell, you know.
6 That was probably why they were wild up too is because
7 when Diaz sprayed, there was more.

8 Q So the detainees on the top were also coughing?

9 A Yeah.

10 Q And the pepper spray fumes made the detainees at
11 the top kind of a little bit more wild you said?

12 MS. AGUADO: Objection; calls for speculation.

13 Unless you know.

14 THE WITNESS: I'm not sure. I'm not sure.

15 BY MS. ALARCON:

16 Q When you went -- did you ever go up to the top
17 bunk to talk to the detainees that were up on the top?

18 A I believe so. I went up to the upper tier to
19 calm them down 'cause they were already riled up because
20 of the situation. So, yes.

21 Q When you were up there, could you smell the
22 pepper spray fumes?

23 A No, not really.

24 Q What happened after you went to the yard to catch
25 your breath?

1 A I believe they were -- they were -- you know,
2 they took the other detainees out of the dorm that were
3 not complying. So then we aired the dorm out.

4 Q When you say they took the other detainees, do
5 you mean the detainees that were in the bunks?

6 A No. Well, the detainees that were at the table,
7 they took them out of the unit and escorted them. And
8 then when they left, we evacuated the dorm into the
9 yard.

10 Q So after the detainees at the table were escorted
11 from the unit --

12 A Mm-hmm.

13 Q -- the detainees that were on their beds --

14 A Yes.

15 Q -- were also taken out of the unit?

16 A Yes.

17 Q And why was that?

18 A Because of the smell. They have to air out the
19 unit.

20 Q Did you supervise the detainees in the yard?

21 A Yes.

22 Q And how long were they in the yard for while the
23 unit aired out?

24 A I'm not sure.

25 Q Did you ever go back in to decontaminate the

1 unit?

2 A Yes.

3 Q Do you remember how long that took?

4 A No.

5 Q Were you seen by medical personnel following
6 this?

7 A No.

8 Q So you never had your vitals checked?

9 A No. I was fine.

10 Q After the incident did you discuss what happened
11 with any of your supervisors?

12 A I don't recall.

13 Q Do you recall ever speaking to a warden or the
14 assistant warden?

15 A No.

16 Q Sorry, you did not speak to them?

17 A No, I don't recall.

18 Q And when you had to step out to the yard to catch
19 your breath, can you describe what that felt like?

20 A Just coughing.

21 Q So you were coughing a lot?

22 A Yeah.

23 Q Did you feel any burning?

24 A A little bit.

25 Q Were your eyes watering?

1 A No.

2 Q Was your nose running?

3 A Hm-mmm.

4 MS. AGUADO: Is that a "no"?

5 THE WITNESS: Yes, that's no. No.

6 BY MS. ALARCON:

7 Q Do you know if the detainees in the yard that
8 were removed in the bunk area were seen by Medical?

9 A I'm sure they were.

10 Q Did you see anyone from medical taking their
11 vitals in the yard?

12 A Yes.

13 Q Do you know who from Medical took their vitals in
14 the yard?

15 A No.

16 Q Have you ever experienced pepper spray before
17 this incident?

18 A Yes.

19 Q Can you describe that?

20 A When I got through my previous training, yeah.
21 It's just burning sensation, nose, coughing.

22 Q Was that previous training with CCA?

23 A Yes.

24 Q Anywhere else?

25 A No.

1 Q And is that you standing behind the podium next
2 to Officer Gillon?

3 A Yes.

4 Q And what do you have in your hand there?

5 A Newspaper.

6 Q Is that for the detainees?

7 A Yes.

8 Q And what's that newspaper for?

9 A For them to read.

10 Q Do you bring that in every shift?

11 A Yes.

12 Q When would you typically distribute that, or if
13 you distributed it?

14 A I just put it on the podium or the table and they
15 can come and get it.

16 Q Just throughout the day?

17 A Yeah.

18 Q And do you know what's in front of Officer Gillon
19 and next to the newspapers on the podium?

20 A No.

21 Q Might that be the logbook?

22 A Oh. Yes.

23 Q And based on the time, 6:29:59, are you relieving
24 Officer Gillon from his post at this time?

25 A Yes.

1 Q And for the record, the time is 6:30:44.

2 And who are you saying count time to?

3 A I believe the ones that are going upstairs.

4 Q It's the detainees that were at the podium --

5 A Yeah.

6 Q -- that are now going upstairs?

7 A Yeah.

8 Q Okay. And now I'm on view C1. And starting the
9 video again at 6:30:44.

10 Pausing it at 6:30:51. Can you describe what you
11 just did here? I can rewind it.

12 A Oh. I believe that I was telling them it's count
13 time, let's go, rack up. And took them a couple
14 minutes, I think, to go, to comply to my demands. But
15 the guys at the table, they weren't moving. They
16 refused to rack up, so that's when I got on the radio.

17 Q You think it was a couple of minutes before you
18 called on the radio after giving a command?

19 A I'm not sure.

20 Q You don't remember right now exactly?

21 A No, I don't.

22 Q So I'm gonna show you what we can mark as
23 Exhibit 2.

24 ///

25 ///

1 (Whereupon, Plaintiffs' Exhibit 2 was
2 marked for identification by the Court
3 Reporter and is bound separately.)

4 BY MS. ALARCON:

5 Q And I know it's not very clear where you are, but
6 just so we can have a clean record, this is a still of
7 this view at 6:30:51, what we just saw here?

8 A Mm-hmm.

9 Q Can you describe -- can you draw an arrow of
10 where you are in this frame?

11 A (Witness complies.)

12 Q If you could just highlight with the arrow. You
13 can take it from the margin.

14 A (Witness complies.)

15 Q Okay. So you were standing behind the podium at
16 this time, right?

17 A Yes.

18 Q Okay. Great.

19 And based on what you've seen in the video, is
20 that the first radio call that you made?

21 A Yes.

22 Q Okay. Starting the video again at 6:30:53.

23 A They were all refusing to rack up 'cause they're
24 just standing around.

25 Q Who do you mean by "they all"?

1 logbook; is that right?

2 A Mm-hmm.

3 Q Does this refresh your recollection as to what
4 you wrote down?

5 A No, I don't remember what I wrote down.

6 Q Okay. Playing the video again. I'm gonna fast
7 forward it just a second.

8 Okay. I'm pausing it at 6:32:29. Up until now
9 have you given the detainees at the table any direct
10 commands?

11 A Yes.

12 Q What have you said?

13 A I told them to rack up, to get off the table and
14 go to their bunks, and they were just ignoring me.

15 Q And you never asked why they were sitting there,
16 right?

17 A No.

18 Q Okay. The time, 6:32:57. I just paused it still
19 in view C1. Can you describe who just walked in?

20 A My lieutenant.

21 Q Is that Lieutenant Diaz?

22 A Yes.

23 Q In the white shirt?

24 A Yes, Lieutenant Diaz.

25 Q And it looks like her right arm is raised. Do

1 you know what's in her hand?

2 A Looks like OC.

3 Q Okay. And I'm pausing it at 6:33:10. It looks
4 like other officers walked in with her, right?

5 A Yeah.

6 Q Does this refresh your recollection as to who
7 those officers were?

8 A No.

9 Q Do you recall if at this time Lieutenant Diaz has
10 given any commands to the detainees?

11 A Looks like she has.

12 Q But you don't remember definitely if she has or
13 not?

14 A I'm sure she has. Yeah, she did. She did give
15 verbal commands a few times. Oh, that's Medical right
16 there.

17 Q So I'm pausing it at 6:34 exactly. And you said
18 that the person who just walked in is Medical?

19 A Yes.

20 Q Do you know the name of that individual?

21 A No.

22 Q How do you know that that's Medical?

23 A She's wearing scrubs.

24 Q Does this refresh your recollection as to whether
25 you heard anyone call for Medical?

1 MS. AGUADO: Objection; calls for speculation.

2 If you don't know, you don't know.

3 THE WITNESS: I don't know.

4 BY MS. ALARCON:

5 Q And just for the record, this is the individual
6 who just walked in to the left of the podium and is now
7 walking towards the area where the detainees at the
8 table are; is that right?

9 A Yes.

10 Q When this individual -- when this person from
11 Medical walked in, were you surprised to see them there?

12 MS. AGUADO: Objection; calls for speculation.

13 Is there something you wanted to say, Counsel?

14 BY MS. ALARCON:

15 Q You can answer my question.

16 A No, not surprised. Whenever there's a situation
17 like this, there's always medical staff.

18 Q A situation like what?

19 A Like if -- if it escalates, Medical's always
20 present just in case there has to be medical evaluation,
21 they're there. Like codes, even if they ask for Medical
22 which I'm assuming that they did ask for Medical, that's
23 why she's there. So that's...

24 Q Okay. Okay. I'm gonna fast forward it just a
25 bit. And the time is 6:35 exactly. Do you see it looks

1 A Yes.

2 Q Did you -- after this incident did you talk to
3 any of the detainees that were involved in the incident?

4 A No.

5 Q And I know we described that -- you described
6 that in the first shift two counts take place, right?

7 A Mm-hmm. Yes.

8 Q Is that the same for the second and third shift?

9 A Second shift we do one count. And then third
10 watch, I believe they do two.

11 Q And sometimes the detainees are counted in the
12 yard, right?

13 A Yes.

14 Q And that's done by lining them up?

15 A Yes.

16 Q And sometimes they're counted in their bunk,
17 correct?

18 A Yes.

19 Q So you don't use the bunk specifically to
20 identify the detainee, correct?

21 A No.

22 Q You use some other photo book to identify them,
23 right?

24 A Yes. We do a face-to-photo.

25 Q And that face-to-photo book is sometimes taken in

1 the yard to count the detainees?

2 A If it's -- because if they have -- during count
3 if they have the mini yard, yard's not open during
4 count.

5 So if they have soccer field during count, then
6 yes, we log them and check them, the dorm officer. And
7 then we give -- the rec officer verifies how many he has
8 in the soccer field. So we always keep track on who's
9 out and who's back.

10 Q So it sounds like there's different types of
11 yards, rec yards?

12 A Mm-hmm.

13 Q All right. And depending on the rec yard the way
14 you identify the detainee for count is different?

15 A Yes.

16 Q But you can identify the detainee in a rec yard,
17 correct?

18 A Yes.

19 Q And that's during the count?

20 A Mm-hmm. Yes.

21 Q So they don't necessarily have to be at their
22 bunks --

23 A No.

24 Q -- in order to be counted?

25 A No.

1 Q And you can count them as long as they're
2 stationary in one position?

3 A Yes.

4 Q Okay.

5 A We do an out count.

6 Q I know you said you didn't talk to any of the
7 detainees after the incident. Did you know any of
8 them -- any of the detainees involved in the incident
9 before the incident?

10 A No.

11 Q Did you recognize them --

12 A No.

13 Q -- before this incident?

14 Nothing about them stood out to you?

15 A No.

16 Q And going back to the verbal warnings that you
17 were given that we described earlier. You mentioned
18 that one of them was for cursing while giving commands
19 to detainees; is that right?

20 A I wasn't cursing at them. I was just like, you
21 know, freakin', you know.

22 Q But you cursed while giving a command?

23 A Oh, in this situation? No. In this --

24 Q No, when you were in the situation where you were
25 given a verbal warning.

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) ss.

3
4 I, CHRISTINE RYBICKI, C.S.R. No. 13481, in and
5 for the State of California, do hereby certify:

6 That prior to being examined, the witness named
7 In the foregoing deposition was by me duly sworn to
8 Testify to the truth, the whole truth, and nothing but
9 the truth;

10 That said deposition was taken down by me in
11 shorthand at the time and place therein named and
thereafter reduced to typewriting under my direction,
12 and the same is a true, correct, and complete transcript
13 of said proceedings;

14 That if the foregoing pertains to the original
15 transcript of a deposition in a Federal Case, before
16 completion of the proceedings, review of the transcript
17 { } was { } was not required.

18 I further certify that I am not interested in the
19 event of the action.

20 Witness my hand this 3rd day of July, 2019.

21
22 
23

24 Certified Shorthand Reporter
25 for the State of California

EXHIBIT 19

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

OMAR ARNOLD RIVERA MARTINEZ; ISAAC)
ANTONIO LOPEZ CASTILLO; JOSUE)
VLADIMIR CORTEZ DIAZ; JOSUE MATEO)
LEMUS CAMPOS; MARVIN JOSUE GRANDE)
RODRIGUEZ; ALEXANDER ANTONIO BURGOS) CASE NO.
MEJIA; LUIS PENA GARCIA; JULIO) 5:18-CV-01125-R-
CESAR BARAHONA CORNEJO, AS) GJS
INDIVIDUALS,)

PLAINTIFFS,)

VS.)

THE GEO GROUP, INC., A FLORIDA)
CORPORATION; THE CITY OF ADELANTO,)
A MUNICIPAL ENTITY; GEO LIEUTENANT)
DURAN, SUED IN HER INDIVIDUAL)
CAPACITY; GEO LIEUTENANT DIAZ, SUED)
IN HER INDIVIDUAL CAPACITY; GEO)
SERGEANT CAMPOS, SUED IN HIS)
INDIVIDUAL CAPACITY; SARA JONES,)
SUED IN HER INDIVIDUAL CAPACITY;)
THE UNITED STATES OF AMERICA; AND)
DOES 1-10, INDIVIDUALS,)

DEFENDANTS.)

DEPOSITION OF OFFICER FRANKIE JUAREZ
MONDAY, AUGUST 26, 2019

JOB NO. 3499174
REPORTED BY KATIE HRON, C.S.R. NO. 13483

1 getting the job?

2 A. About a month or so.

3 Q. Did they ask you --

4 I know sometimes the facility asks employees to
5 do -- take certain steps before they can start work.

6 Was there anything they asked you to do before
7 you could start work?

8 A. Just clear my background. Background
9 investigation.

10 Q. Was there anything that they asked you to do as
11 part of that investigation?

12 A. No.

13 Q. When you first started at the facility, what
14 position or title did they give you?

15 A. Detention officer.

16 Q. And did you do training at that time?

17 A. It was two -- I wanna say two weeks in service
18 and then OJT, on-the-job training.

19 Q. How long was the OJT?

20 A. Two weeks.

21 Q. So it was two weeks in the classroom, and then
22 two weeks on the job?

23 A. Yeah.

24 Q. Were you given training in pepper spray?

25 A. Not at that time.

1 A. No.

2 Q. So going back to the training about
3 decontamination that you received when you were in the
4 RHU, what do you remember about that training? What did
5 they tell you about decontamination?

6 A. Use cold water.

7 Q. Anything else?

8 A. No, that's it.

9 Q. Did you ever have that training --

10 A. No.

11 Q. -- again?

12 A. No.

13 Q. Did you ever have any other kind of training --

14 A. No.

15 Q. -- on pepper spray while you worked there?

16 A. No.

17 Q. And just to remind you, make sure you wait
18 until I answer --

19 I know --

20 A. Oh.

21 Q. -- you know what I'm gonna ask, but it's
22 easier --

23 A. Sorry.

24 Q. -- for the court reporter if you wait.

25 A. Oh, sorry.

1 A. I don't.

2 Q. Do you remember if the transport took you more
3 or less than an hour?

4 A. About three hours, probably.

5 Q. So if you got in at 6:00 a.m., the transport --

6 A. Oh, no, no. I'm sorry. No.

7 We had just started our day.

8 Q. So it was before you'd gone out on any
9 transport?

10 A. Yeah.

11 Q. Okay. So when you started your day that
12 morning, do you remember what the first thing was you
13 did?

14 A. No. The supervisors just told us to respond to
15 east for that situation.

16 Q. Do you --

17 And you don't remember who the supervisor was
18 that told you to respond?

19 A. No, I don't.

20 Q. Do you remember any --

21 Well, you said you know who Sergeant Campos is,
22 correct?

23 A. Yes, I do.

24 Q. Do you remember if he was in west that day?

25 MS. AGUADO: Objection. Calls for speculation.

1 escorting that detainee?

2 A. No.

3 Q. No, there wasn't any trouble, or --

4 A. I don't -- I don't believe. I --

5 Q. Okay. If you look at Page 2 of Exhibit 2, it
6 says, "There's no injury to report."

7 So does that indicate that you weren't injured
8 at all during this incident?

9 A. No.

10 Q. And no, it -- or yes it does indicate that, or
11 no you weren't injured?

12 A. No, I was not injured.

13 Q. Okay. Great.

14 I see it says you were seen for injuries or non
15 injuries because of the OC spray; is that correct?

16 Where it says, "Type of incident." It says,
17 "OC spray."

18 Does that indicate that the reason you went to
19 medical was because OC spray was used?

20 MS. AGUADO: Objection. Calls for speculation.
21 Lacks foundation that he's the person who filled out
22 this report.

23 If you know.

24 THE WITNESS: I don't remember at this time.

25 BY MS. SWEETSER:

1 Q. Do you remember if any of the vapors from the
2 shower got into your eyes at all?

3 A. No, I don't.

4 Q. So the only thing you remember is that you
5 could smell the vapors --

6 A. Yeah.

7 Q. -- coming out.

8 A. Yes.

9 Q. Do you know how far it was between the rec yard
10 and the showers?

11 A. I don't know. I don't remember at this time.

12 Q. Did you take the detainees to a holding cell
13 first, or did you take them directly to the showers?

14 A. To the showers.

15 Q. Did you shower them in their clothes, or did
16 you ask them to disrobe?

17 A. No, in their clothes.

18 Q. Were the detainees handcuffed when you were
19 escorting them?

20 A. Yes.

21 Q. And was that behind their back?

22 A. I don't remember.

23 Q. Do you remember if you were holding the
24 detainees by their upper arm, or by their elbow, or
25 how -- how would you escort a detainee?

1 A. I don't know.

2 Q. Okay. So is it around six feet?

3 A. About six, yeah.

4 Q. Is it --

5 How is it operated?

6 A. I don't know. I don't remember at this time.

7 Q. Do you remember if there was like a handle that
8 you pull to one side or the other or a knob of some
9 kind?

10 A. I don't remember, but I know we turned it -- or
11 we put it on cold.

12 Q. So you don't remember if there's one handle or
13 two, for example?

14 A. I know there's two showers.

15 Q. Uh-huh.

16 A. So -- and I don't know if they're handles or
17 knobs.

18 Q. Do you know if they have --

19 You know, some older faucets have two handles
20 on either side --

21 A. Uh-huh.

22 Q. -- for hot or cold?

23 Do you know if these showers were like that?

24 A. I don't remember at this time.

25 Q. And you say you know that the water was cold.

1 How do you know that?

2 A. In my situation, when I got sprayed, I would
3 use cold water.

4 Q. And when you say, when you got sprayed, did you
5 get sprayed as part of the training?

6 A. Yes.

7 Q. So that's how you know --

8 That was how you knew to use cold water?

9 A. Use cold water, yes.

10 Q. Did you --

11 Do you remember if you put your hand under the
12 faucet to feel the temperature?

13 A. I don't know at this time.

14 Q. Do you remember if the detainee you were
15 escorting resisted going into the shower at all?

16 A. No, I don't remember.

17 Q. Do you remember how you asked the detainee to
18 get in the shower? Like, what command you would have
19 given?

20 A. No, I don't.

21 Q. Do you remember if the detainee was having
22 trouble seeing?

23 MS. AGUADO: Calls for speculation.

24 THE WITNESS: I don't remember.

25 BY MS. SWEETSER:

1 Q. All right.

2 MS. SWEETSER: Let's take just a five-minute
3 break, if you don't mind.

4

5 (Break taken.)

6

7 BY MS. SWEETSER:

8 Q. So we were talking earlier about the training
9 you received on pepper spray, and then you -- you said
10 you were sprayed and then decontaminated; is that right?

11 A. Uh-huh, yes.

12 Q. Where did that training take place?

13 A. It was at east. The -- like where the training
14 room is at east.

15 Q. Is that -- is that near the central --

16 You said there's like a central command kind of
17 area for east; is that right?

18 A. Yeah, so if you're going to east -- so you're
19 admin's here, and then you walk a little bit more to the
20 back, and that's your training room back there. That's
21 where we did our training.

22 Q. When you were sprayed, were you sprayed in the
23 face? Were you sprayed elsewhere?

24 A. In the face, yeah.

25 Q. Uh-huh. Did you get it into your eyes?

1 A. Yes.

2 Q. And then you had a partner that took you to the
3 shower; is that right?

4 A. He took me to -- they had a water thing right
5 there for us so we could rinse our eyes out.

6 Q. An eyewash station?

7 A. No, it wasn't. It was -- I don't know what
8 they had. Like a water hose hooked up to, like, some
9 kind of sprinklers or something.

10 Q. And it was in the same room, that training
11 room?

12 A. It was outside of the training room.

13 Q. Just in the hallway?

14 A. Outside on the pavement.

15 Q. And so they had a water hose with sprinklers.

16 Was that how you showered completely, or was it
17 just for your eyes?

18 A. Well, that's how I -- that's how I
19 decontaminated.

20 Q. Okay.

21 A. And then later on I showered at home.

22 Q. Can you describe for me, like, a water hose
23 with sprinklers? I'm just trying to get a visual
24 picture.

25 So was it hooked up so it sprayed upward at

EXHIBIT 20

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

OMAR ARNOLDO RIVERA)
MARTINEZ; ISAAC ANTONIO)
LOPEZ CASTILLO; JOSUE)
VLADIMIR CORTEZ DIAZ; JOSUE)
MATEO LEMUS CAMPOS; MARVIN)
JOSUE GRANDE RODRIGUEZ;)
ALEXANDER ANTONIO BURGOS)
MEJIA; LUIS PEÑA GARCIA;)
JULIO CESAR BARAHONA)
CORNEJO, as individuals,)

Plaintiffs,)

VS.)

Case No.

5:18-cv-011250-R-GJS

THE GEO GROUP, INC., a)
Florida corporation; THE)
CITY OF ADELANTO, a)
municipal entity; GEO)
LIEUTENANT DURAN, sued in)
her individual capacity;)
GEO LIEUTENANT DIAZ, sued in)
her individual capacity;)
GEO SERGEANT CAMPOS, sued in)
his individual capacity;)
SARAH JONES, sued in her)
individual capacity; THE)
UNITED STATES OF AMERICA;)
and DOES 1-10, individuals,)

Defendants.)

DEPOSITION OF OFFICER GILBERT MARTINEZ
FRIDAY, JUNE 14, 2019

JOB NO. 3400591
REPORTED BY CHRISTINE RYBICKI, C.S.R. 13481
PAGES 1 - 160

1 A Yes, ma'am.

2 Q And did you have the briefing right at 6:00 a.m.
3 when you started?

4 A Yes.

5 Q So you'd get a different assignment every time
6 when you went to the briefing; is that right?

7 A Yes.

8 Q On June 12th, 2017, do you remember what position
9 you were working?

10 A I don't remember. It was two years ago.

11 Q Do you remember going to a briefing on the
12 morning of June 12th?

13 A Well, we had briefing every morning.

14 Q Do you specifically remember the briefing that
15 morning?

16 A I don't recall.

17 Q Was there ever a time where a briefing -- well,
18 actually, strike that.

19 Do you remember if the June 12th briefing was
20 interrupted by a radio call?

21 A I don't recall.

22 Q Do you remember if you were assigned to any
23 position on June 12th at the briefing?

24 A What was that?

25 Q Do you remember if you were assigned to any

1 specific position on June 12th at the briefing?

2 A That was the day of the incident, correct?

3 Q Yes, the day of the incident.

4 A I was utility.

5 Q Utility?

6 A Yes.

7 Q And what does the utility officer do?

8 A They're in charge of lunches, supplies and pretty
9 much anything that's needed around the facility.

10 Q Is one of their jobs videocamera operator?

11 A Yes.

12 Q Was that something you'd been trained to do?

13 A It's been taught.

14 Q When did you get training on how to operate the
15 videocamera at the facility?

16 A Briefing.

17 Q And was that back in 2013 when you started
18 working?

19 A I can't remember.

20 Q Sometime before 2017; is that right?

21 A Yes.

22 Q Where are the videocamera, the handheld
23 videocameras located at the facility?

24 A Central control.

25 Q And what were you trained was the time that the

1 BY MS. SWEETSER:

2 Q Did you see the footage during the search?

3 A Yes.

4 Q Where did you watch it?

5 A Training.

6 Q Was it -- were you given some additional training
7 after the warning?

8 A Not additional training, it was just showed.

9 Q Where did they show it to you?

10 A The training room.

11 Q Do you have any knowledge at all about how --
12 where this footage is stored in the facility?

13 A I don't know.

14 Q Okay. Do you remember on June 12th, 2017, who
15 your supervisor was that morning?

16 A Lieutenant Diaz.

17 Q Was she the one giving the briefing that morning?

18 A Yes.

19 Q Was she the one who told you you were assigned to
20 be a utility officer?

21 A Yes.

22 Q Do you remember any of the other officers who
23 were at that briefing that morning?

24 A I don't recall.

25 Q Do you remember if Officer Reyes was there?

1 we're done with count. And they still refused to move.

2 Q So just trying to reconstruct this conversation,
3 as much as you remember any way.

4 So you said first you asked them what was going
5 on and they said they were protesting and it was about
6 bonds; is that right?

7 A Yes.

8 Q And then what was the next thing you said to
9 them?

10 A I don't remember the exact words, but I remember
11 trying to convince them to go back to their bunks.

12 Q And you wanted them to go back to their bunks for
13 the count?

14 A For the count.

15 Q And did you say anything to them about the count
16 at that time?

17 A About the count?

18 Q Mm-hmm.

19 A Yes --

20 MS. AGUADO: Objection; it's also -- sorry, it's
21 a vague question.

22 Go ahead.

23 THE WITNESS: I remember telling them that it is
24 count time and that they need to go back to their bunks.

25 ///

1 BY MS. SWEETSER:

2 Q And did you say that in Spanish?

3 A Yes.

4 Q What's the word for count in Spanish?

5 A Cuenta.

6 THE REPORTER: Can you spell that, please?

7 THE WITNESS: Me?

8 THE REPORTER: Yeah.

9 THE WITNESS: C-U-E-N-T-A.

10 THE REPORTER: Thank you.

11 BY MS. SWEETSER:

12 Q Did you say anything else to them about the
13 count?

14 A What do you mean by that?

15 Q Just what else did you say to them at this time?

16 A I don't remember. I just remember trying to
17 convince them to go back to their bunks so we can start
18 the count 'cause if we don't start it, they're gonna
19 delay our count and that will put us in emergency count.

20 Q What's emergency count?

21 A We go into emergency count after a certain amount
22 of time.

23 Q What does that mean?

24 A And that means we have to return every single
25 detainee, wherever they're at back to their dorm so we

1 A You said to speak to a higher-up?

2 Q Yeah.

3 A They just wanted to speak to ICE.

4 Q Do you remember if they asked you to speak to a
5 higher-up?

6 A I just remember them saying ICE.

7 Q And you said Lieutenant Diaz asked you to
8 translate for her; is that right?

9 A Yes.

10 Q At some point were you translating for her?

11 A Well, she told me to speak with them.

12 Q During this conversation where was Lieutenant
13 Diaz?

14 MS. AGUADO: Objection; it's vague as to which
15 conversation you're referring to.

16 MS. SWEETSER: Well, just this one at 6:36 that
17 we're looking at on the screen.

18 BY MS. SWEETSER:

19 Q Where was Lieutenant Diaz at this time?

20 A The person in the white shirt right here
21 (indicating).

22 Q Okay. So she wasn't participating in this
23 conversation, correct?

24 A No. She had me speak to them.

25 Q Do you remember if any of the other officers that

1 A I just remember trying to convince them to go
2 back to their bunks.

3 Q Do you remember if you gave them any other
4 options?

5 MS. AGUADO: Objection; lacks foundation that
6 there are other options.

7 Go ahead.

8 THE WITNESS: Yeah, there's not really too many
9 options when it's count time.

10 BY MS. SWEETSER:

11 Q Did you and Lieutenant Diaz ever discuss taking
12 the detainees to Medical?

13 A To Medical?

14 MS. AGUADO: Objection; assumes facts, lacks
15 foundation that they should be taken to Medical.

16 MS. TISHKOFF: Join.

17 THE WITNESS: Why would they be taken to Medical?
18 It's count time.

19 BY MS. SWEETSER:

20 Q Did you ever discuss taking these detainees to
21 any other location?

22 A It's count. They really need to be in their
23 bunks. It's critical that we get through this count.

24 Q And why did you consider it critical?

25 A Because --

1 MS. AGUADO: Objection; it's been asked and
2 answered. He's already explained this, but go ahead.

3 THE WITNESS: Because we would go into emergency
4 count.

5 BY MS. SWEETSER:

6 Q At 7:20 to 7:30?

7 A Count preps at 6:20, commences at 6:30.

8 Q And at 7:20 to 7:30 you go to emergency count?

9 A Around that timeframe, yes.

10 Q How long does it take to count in the detainees
11 in 2 Charlie approximately?

12 A Approximately? Between two officers, around 10
13 minutes.

14 Q Have you personally ever experienced a situation
15 besides this one where detainees have refused to go back
16 to their bunks for count?

17 A No.

18 Q During this time period, did you go to the upper
19 area?

20 A What time period?

21 Q During the time between 6:33 and 6:37, did you go
22 to the upper area?

23 A I don't remember.

24 Q At some point before any use of force started did
25 you go up to the upper area?

1 A I don't recall because I was speaking to the
2 detainees on the table I was at.

3 Q And I see Lieutenant Diaz has approached closer
4 to where you are; is that right?

5 A She's by me.

6 Q Do you remember if she was talking to the
7 detainees at that time?

8 A They didn't speak English, so there's no way she
9 could talk to them.

10 Q Did you translate anything for her at this time,
11 if you remember?

12 A I don't remember.

13 Q Okay.

14 A So based on the video, it's me and Reyes talking
15 to them right now.

16 Q Okay. Just for the record, that's at 6:37:33.
17 We're playing the video a little more.

18 And just at 6:38:07, are you walking away from
19 the table now?

20 A Based on the video.

21 Q Do you remember anything else -- besides what
22 we've already talked about, do you remember anything
23 else you said to the detainees during that conversation?

24 A Just trying to convince them to go back to their
25 bunks, not the actual conversation.

1 Q Did anyone tell you to go to the first table?

2 A Don't remember.

3 Q Okay. Do you remember if anyone else was
4 touching any of the detainees at this time?

5 A Don't remember.

6 Q I'll play a little bit more.

7 I'll stop it at 6:38:19. Can you tell from the
8 video if you're touching any of the detainees?

9 A Yes.

10 Q And are you touching -- can you describe for me
11 which one you're touching?

12 A Well, the video pretty much speaks for itself.
13 Right here (indicating), I don't know what you want to
14 call it or how you want to put it into words.

15 Q Well, for the transcript, you're describing
16 someone -- the detainee that was seated at the lower
17 left hand of the table that you just approached; is that
18 correct?

19 A Yes.

20 Q Okay. And can you describe for me, what were you
21 doing at this time?

22 A Can you play the video?

23 Q Let me back it up a little bit as well so you can
24 see it from the beginning. Okay. I'm gonna start
25 playing it again at 6:38:14.

1 I'll stop it at 6:38:28. Can you describe for me
2 what you were doing at that time?

3 A Well, based on the video, it looks like we were
4 trying to remove one of the detainees to take him
5 outside. He was resisting, so I was helping my fellow
6 officers.

7 Q So describe for me, how did you first put your
8 hands on him?

9 A Play the video again, please.

10 Q All right. I'm starting at 6:38:14.

11 I'm stopping it at 6:38:26. So can you describe
12 for me how you first put your hands on him?

13 A Based on the video, it looks like I grabbed the
14 legs.

15 Q Do you remember grabbing his legs?

16 A I don't remember the whole situation. It was two
17 years ago.

18 Q When you say you don't remember the whole
19 situation, what do you mean?

20 A Like if there wasn't a video here today, I
21 wouldn't be able to recall exactly what I did.

22 Q Do you remember why you grabbed his legs?

23 A Because he was resisting.

24 Q And what do you mean when you say he was
25 resisting?

1 A He doesn't want to move from the table.

2 Q Do you remember giving this detainee a command
3 yourself?

4 A I don't remember.

5 Q Do you remember hearing anyone else give that
6 detainee a command?

7 A I don't remember.

8 Q Do you remember how you knew that that detainee
9 did not want to move from the table?

10 A Well, based on the video, I was talking to one
11 set of detainees here at the bottom table. Reyes was
12 talking to them at the top. So I'm pretty sure he let
13 them know that they needed to move.

14 Q And you're assuming that based on the fact that
15 he was talking to them?

16 A Yes.

17 Q But you didn't hear anything that Reyes actually
18 said to that detainee; is that right?

19 A No.

20 Q Did anyone command you to grab the legs of the
21 detainee?

22 A I believe it was Lieutenant Diaz. She instructed
23 us to remove him from the table.

24 Q At the time that you were removing him from the
25 table had any pepper spray been deployed?

1 A Not that I remember.

2 Q When she told you to remove him from the table,
3 did she use specific words? Did she use those words?

4 A I don't recall.

5 Q In your use of force training, had you been
6 trained about pressure points?

7 A Yes.

8 Q And when was it appropriate to use pressure
9 points?

10 A When presence and verbals pretty much don't work.

11 Q And when you say "verbals," you mean verbal
12 commands?

13 A Verbal commands.

14 Q So when you're using your command presence and
15 you're using verbal commands and those don't work,
16 that's when you would use pressure points?

17 A Yes.

18 Q Were you using pressure points on this detainee?

19 A No.

20 Q Where are the pressure points located?

21 A There's several.

22 Q Can you describe them for me?

23 A I don't know all of them. I don't remember all
24 of them, but I know one's behind the ear. Another one
25 is right here by the nose (indicating). Those are the

1 only two I remember.

2 Q Do you know if at the time you were grabbing this
3 detainee's legs if any of the other officers holding him
4 were using pressure points?

5 A I'm only speaking for myself.

6 Q But you didn't --

7 A I didn't see anybody else.

8 Q Do you know which other officers were holding him
9 at that time?

10 A I can't tell.

11 Q Do you know how they were holding him?

12 A No. I was focused on myself.

13 Q Did Lieutenant Diaz specifically command you to
14 grab the detainee's legs?

15 A She gave me a command to remove him.

16 Q Was there a reason you thought that it would not
17 be possible to remove him without grabbing his legs?

18 A I believe he was clenching onto the table, that's
19 why I went for his legs.

20 Q And after you grabbed his legs what's the next
21 thing that you did?

22 A Escort him outside.

23 Q Did you touch him on any other part of his body?

24 A I can't remember.

25 Q How did you escort him?

1 If you remember.

2 THE WITNESS: 'Cause this was a time that I had a
3 chance to.

4 BY MS. SWEETSER:

5 Q So before you escorted the first detainee out you
6 just didn't have a chance to put on gloves?

7 A I didn't have a chance to put on gloves.

8 Q Is that because you didn't expect the force to be
9 used at that moment?

10 A No, I didn't expect to use force.

11 Q When you walked around to the first table, were
12 you expecting to talk to those detainees?

13 A Yes.

14 Q And did you get a chance to talk to them?

15 A I don't remember.

16 Q Do you remember who first made the decision to
17 use force at the first table?

18 A Well, the only one who can make that decision is
19 the supervisor.

20 Q So that was Lieutenant Diaz telling you to remove
21 them?

22 A Yes.

23 Q And you weren't expecting that, so you didn't get
24 a chance to put on gloves?

25 A No, it was in the moment.

1 deterrent.

2 Basically like if she shows it to them, maybe
3 they'll want to rack up and go back to count -- well, go
4 back to their bunks so we can commence count. But I
5 remember her waving it several, several times and it
6 didn't phase them at all.

7 Q Do you remember if you ever said anything to the
8 detainees about pepper spray?

9 A I don't recall.

10 Q You don't have any memory of saying anything
11 about the pepper spray?

12 A I mean, if it's in your face.

13 Q Do you know whether the detainees had ever seen
14 pepper spray used before?

15 A I didn't ask them.

16 Q Had you ever been present in 2 Charlie prior when
17 pepper spray was used?

18 A Prior to 2 Charlie?

19 Q Prior to this day, had you seen it used in this
20 dorm before?

21 A No.

22 Q I'll back up the video just a little bit. I'm
23 gonna play it again from 6:42:18. And just let me know
24 to stop.

25 Well, I'll stop it here at 6:42:22. Do you see

1 witnessed her deploying her pepper spray that day?

2 A Yes.

3 Q And how many times did you see her deploy her
4 spray?

5 A I only saw her once and it was only for a second.

6 Q You didn't see her deploy it multiple times in
7 this video we just watched?

8 A No, 'cause I remember her trying to avoid using
9 the pepper spray in general. She really didn't want to
10 use it.

11 Q How did you know that?

12 A Judging by how long it took her to use it.
13 'Cause she was just waving it trying to deter them, I
14 guess, and avoid using it. 'Cause usually when you wave
15 pepper spray, usually the person doesn't want to get
16 pepper sprayed and we just leave it then and there
17 instead of going through the trouble.

18 Q And you don't remember telling the detainees
19 anything about the pepper spray?

20 A I mean, I'm pretty sure they knew about it. They
21 put their heads down like if they knew what it was.

22 Q I'm playing the video again, it's at 6:42:38.

23 I'm looking at 6:43:15 now. Do you see yourself
24 in this video here?

25 A Yes.

1 Q I'll play it again.

2 A On the one we have it looks like there's three.

3 Q So this is at 6:46:17. It looks like there's
4 three officers touching this detainee; is that right?

5 A Mm-hmm.

6 Q And are you the officer most toward the bottom of
7 the screen?

8 A Yes, the one with the black sweater -- jacket.

9 Q Now that we watched a little further, can you
10 tell who any of the other two officers are?

11 A No.

12 Q Do you know if Reyes is one of them?

13 A Let me see. Play it.

14 It looks like it could be Reyes. I can't really
15 tell, though.

16 Q Okay. And at 6:46:23 are you escorting this
17 detainee outside?

18 A Yes.

19 Q Okay. Do you remember anyone saying anything to
20 you at this point at 6:46:23?

21 A I remember him like pulling from us really bad.
22 And I remember Officer -- not Officer, Sergeant Campos
23 coming in. And he saw that we didn't have control of
24 it, so he gave us the directive to guide him towards the
25 wall.

1 Q How did he give you that directive?

2 A Verbal.

3 Q And did he use those words, "guide him toward the
4 wall"?

5 A Yes.

6 Q Did he say anything else like "gain control"?

7 A Well, he helped us get control.

8 Q How did he help you?

9 A Play the video.

10 Q Sure.

11 A It looks like he had his hands on his back so he
12 wouldn't move.

13 Q All right. So I'm pausing it again at 6:46:36.

14 So Campos placed his hands on the detainee's back?

15 A Well, I don't remember the exact spot, but he
16 placed his hands on him.

17 Q And you guided him toward the wall; is that
18 right?

19 A Yes, to gain control.

20 Q Do you remember how he made contact with the
21 wall?

22 A I think the midsection of his body.

23 Q Do you remember his head hitting the wall?

24 A No.

25 Q Do you remember where his hands were at that time

1 when you guided him to the wall?

2 A I can't tell.

3 Q Did you have ahold of his arm?

4 A We can see if you play the video.

5 Q Let me back it up a bit.

6 A Yeah, I can't really tell where my hand's at.

7 Q Okay. I'm gonna play it again from 6:46:22.

8 A It appears to be his arm.

9 Q Stopping at 6:46:25. It looks like you're
10 holding onto his arm you said?

11 A Mm-hmm.

12 Q And did you push him against the wall?

13 A Guided.

14 Q So you wouldn't say you pushed him against the
15 wall?

16 A No.

17 Q Do you remember this detainee, this fourth
18 detainee that you escorted out striking you at any time?

19 A No.

20 Q He didn't do that, right?

21 A No. I wasn't stricken [sic] that day at all.

22 Q Do you remember that detainee, that fourth
23 detainee throwing his hands back?

24 A I don't remember.

25 Q You don't have any memory of that?

1 A No.

2 Q I'm playing it again.

3 At this point where are you at 6:46:43?

4 A With the same detainee.

5 Q Okay.

6 A Trying to escort him out.

7 Q Okay. And it looks like you left the room and
8 escorted him out at 6:46:50; is that right?

9 A Mm-hmm. It appears so.

10 Q Do you remember anything that happened with that
11 detainee in the hallway?

12 A We just escorted him out, same thing as the other
13 ones.

14 Q Do you remember, did you see him in the rec yard
15 with the other detainees?

16 A We placed him out there with the rest of the
17 detainees.

18 Q And did you handcuff him?

19 A Everybody was handcuffed.

20 Q Do you know if he was handcuffed at the wall or
21 outside?

22 A I don't remember.

23 Q Do you remember anything that stood out about
24 handcuffing that particular detainee?

25 A Not that I recall. Everybody pretty much

1 resisted except for that one person.

2 Q Was that person who was not resisting handcuffed
3 inside or outside?

4 A I don't remember, but everybody was placed in
5 handcuffs.

6 Q All right. Let me show you just one more camera
7 view of this.

8 A Okay.

9 Q So I'm playing it just from 6:46:46. I'll fast
10 forward.

11 MS. TISHKOFF: Which view is this?

12 MS. SWEETSER: This is view C1.

13 MS. TISHKOFF: Thank you.

14 BY MS. SWEETSER:

15 Q So around 6:46:46 --

16 A Mm-hmm.

17 Q -- do you see yourself in this frame?

18 A I can't tell.

19 Q Okay. I'm gonna rewind it just a little bit.

20 A Based on the video, yeah, it looks like me.

21 Q Okay. And I'm playing it again from 6:46:36.

22 And I'm stopping it at 6:46:46. Where are you
23 located in this video, if you can tell?

24 A I can't tell. It's really small.

25 Q I'm trying to make it a little bigger perhaps.

1 Q It looks like the detainee is on the floor; is
2 that correct?

3 A It appears so.

4 Q How did he get onto the floor?

5 A Resisting.

6 Q Can you describe for me how he got onto the
7 floor?

8 MS. AGUADO: He just did. Asked and answered.

9 THE WITNESS: I just did.

10 BY MS. SWEETSER:

11 Q When you say "resisting," what do you mean?

12 A As if he was pulling away from us the whole time.

13 Q So is your testimony that he pulled away and fell
14 onto the floor?

15 MS. AGUADO: Objection; that misstates his
16 testimony.

17 Go ahead.

18 THE WITNESS: Repeat the question.

19 BY MS. SWEETSER:

20 Q How did he get onto the floor?

21 A I don't know. He was resisting. Somehow he
22 ended up on the floor.

23 Q You're not sure how that was?

24 A No.

25 Q Playing it again from 6:47:53.

1 A Mm-hmm.

2 Q And your first -- I'm sorry, you have to say
3 "yes." Sorry.

4 A Yes.

5 Q I know, it's been a long day.

6 And your first assignment in that position was to
7 check the doors; is that right?

8 A It wasn't my first assignment, but it's something
9 I usually do.

10 Q After you checked the doors what would your next
11 position as the utility officer be?

12 A Well, on the way to check the doors I go count.

13 Q So are you the utility officer that verifies
14 count in the dorms?

15 A Yes.

16 Q Were you going to verify the count in 2 Charlie
17 that day?

18 A I was gonna go count the whole 2 side in general.

19 Q And how long did it usually take you to check the
20 doors?

21 A Well, it's along the way there. So maybe like a
22 minute or two.

23 Q And which dorm would you start with when you
24 counted the 2 side?

25 A Alfa.

1 Q And then is there a beta or B?

2 A Bravo.

3 Q And so would you go in alphabetical order down
4 the dorms?

5 A Mm-hmm. Yes, ma'am.

6 Q How long would it take you to verify count in
7 each dorm?

8 A About 10 minutes each. 10 minutes each unit.

9 Q So it was your plan that day that you'd start in
10 alfa around 6:35?

11 A Well, I don't remember what time exactly I was
12 walking over there, so whenever I got there. It usually
13 goes a lot faster if there's another officer there. But
14 if it was me by myself, it will take me about 10 minutes
15 each unit.

16 Q And if you're with another officer, how long
17 would it take to do count?

18 A Way faster. Maybe 15 minutes.

19 Q Sorry, 15 minutes?

20 A 15, just about.

21 Q And how long did it take when you were by
22 yourself?

23 A About 10 minutes each unit. It just depends on
24 the other officer, so it's like give or take. So if the
25 other officer's really slow at counting, it could take a

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) ss.

3
4 I, CHRISTINE RYBICKI, C.S.R. No. 13481, in and
5 for the State of California, do hereby certify:

6 That prior to being examined, the witness named
7 In the foregoing deposition was by me duly sworn to
8 Testify to the truth, the whole truth, and nothing but
9 the truth;

10 That said deposition was taken down by me in
11 shorthand at the time and place therein named and
12 thereafter reduced to typewriting under my direction,
13 and the same is a true, correct, and complete transcript
14 of said proceedings;

15 That if the foregoing pertains to the original
16 transcript of a deposition in a Federal Case, before
17 completion of the proceedings, review of the transcript
18 { } was { } was not required.

19 I further certify that I am not interested in the
20 event of the action.

21 Witness my hand this 3rd day of July, 2019.

22 
23

24 Certified Shorthand Reporter
25 for the State of California

EXHIBIT 21

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

OMAR ARNOLDO RIVERA)
MARTINEZ; ISAAC ANTONIO)
LOPEZ CASTILLO; JOSUE)
VLADIMIR CORTEZ DIAZ; JOSUE)
MATEO LEMUS CAMPOS; MARVIN)
JOSUE GRANDE RODRIGUEZ;)
ALEXANDER ANTONIO BURGOS)
MEJIA; LUIS PEÑA GARCIA;)
JULIO CESAR BARAHONA)
CORNEJO, as individuals,)
Plaintiffs,)

**CERTIFIED
TRANSCRIPT**

VS.

Case No.

5:18-cv-011250-R-GJS

THE GEO GROUP, INC., a)
Florida corporation; THE)
CITY OF ADELANTO, a)
municipal entity; GEO)
LIEUTENANT DURAN, sued in)
her individual capacity;)
GEO LIEUTENANT DIAZ, sued in)
her individual capacity;)
GEO SERGEANT CAMPOS, sued in)
his individual capacity;)
SARAH JONES, sued in her)
individual capacity; THE)
UNITED STATES OF AMERICA;)
and DOES 1-10, individuals,)
Defendants.)

DEPOSITION OF SARAH ANN JONES, LVN
THURSDAY, JUNE 27, 2019

JOB NO. 3402468
REPORTED BY CHRISTINE RYBICKI, C.S.R. 13481
Pages 1- 220
Pages 160-218 Confidential and Bound Separately

Page 1

1 Q You say "that lieutenant." Can you elaborate?

2 A So with Lieutenant Diaz if she was for that
3 specific -- or that specific would be a great example.
4 We were near each other because she was in medical and
5 she was called to address whatever they called her for,
6 and so she asked me to go.

7 Because when codes are called or there are
8 arising issues, then medical is called to stand by. So
9 in retrospect with Lieutenant Diaz, my experience with
10 her was typically if I was free, then she would ask me
11 to accompany in case anything were to occur, or I assume
12 that's why she asked me to come.

13 Q And when you say "in case anything would occur,"
14 you mean in case any force was used?

15 A No, just if there was any medical concern of any
16 kind.

17 Q And you said "that lieutenant." Was this not
18 other lieutenants' general practice?

19 A It's not a required practice.

20 Q She was just more likely to ask medical personnel
21 to accompany her?

22 A Yes.

23 Q Were you ever present when Lieutenant Diaz pepper
24 sprayed anyone outside this incident?

25 A No.

1 Q Were you ever present -- besides this incident
2 were you ever present when Lieutenant Diaz ever
3 threatened anyone with being pepper sprayed?

4 A What do you mean by "threatened"?

5 Q Maybe took out her pepper spray, waved it at
6 them.

7 Anything like that?

8 A Yes.

9 Q How many occasions would you say?

10 A I could not give you a number.

11 Q It was fairly frequently?

12 MS. TISHKOFF: That misstates testimony and lacks
13 foundation.

14 You have no estimate, is that --

15 THE WITNESS: No, I have no estimate.

16 MS. TISHKOFF: Okay.

17 BY MS. SWEETSER:

18 Q Do you think it happened more than five times?

19 MS. TISHKOFF: Lacks foundation, calls for
20 speculation.

21 MS. STROTTMAN: Join.

22 THE WITNESS: I don't have a reply.

23 MS. TISHKOFF: You don't know?

24 THE WITNESS: No, I don't.

25 MS. TISHKOFF: You have to answer, so.

1 THE WITNESS: Oh, I'm sorry. I don't -- I really
2 don't know.

3 BY MS. SWEETSER:

4 Q But you do remember it happening --

5 A Yes.

6 Q -- on other occasions?

7 As you accompanied Lieutenant Diaz to 2 Charlie
8 that morning, did you see anything unusual happening
9 before you arrived at the dorm?

10 A No. I just walked through the corridors with
11 her.

12 Q And you don't remember if anyone else was there?

13 A I don't remember.

14 MS. TISHKOFF: In the corridors or?

15 MS. SWEETSER: Yes, in the corridors.

16 MS. TISHKOFF: Okay. Thank you.

17 BY MS. SWEETSER:

18 Q And at some point you arrived at 2 Charlie; is
19 that right?

20 A Mm-hmm.

21 Q What did you see when you got there?

22 A I saw officers, I don't know who, and I saw
23 detainees sitting at the table.

24 Q Where were you -- did you enter the room all the
25 way or did you stay at the door?

1 there she talked with Diaz.

2 Q Do you know if Officer Callwell had spoken to the
3 detainees already when you had this exchange?

4 A I have no idea.

5 Q So she didn't say like "I was just talking to
6 them and they said these things"?

7 A No. Prior to me getting there, I don't even know
8 how it all came about. That's very confusing. I don't
9 know.

10 Q Okay. So she asked -- let's see.

11 So Diaz asked the officer what was going on at
12 the same time that you were talking to Callwell; is that
13 right?

14 A Yeah.

15 Q And then what's the next thing you remember
16 happening after that?

17 A Callwell explained to Diaz in some form of what
18 the letter -- whatever they had wrote was pertaining to,
19 and Diaz said that they have to follow -- you know, that
20 they have to follow policy, they have to rack up. And
21 then she spoke Spanish to them and they continued to
22 refuse to rack up.

23 Q When you say she spoke Spanish to them, that's
24 Callwell?

25 A Yeah.

1 Q You don't know what Callwell said to them?

2 A I don't speak Spanish, so I have no clue.

3 Q Did you see any other officers besides Callwell
4 speaking Spanish to the detainees at that time?

5 A No.

6 Q What's the next thing that happened after that?

7 A Diaz just kept yelling and shaking her can.

8 Q Was Callwell still translating for her at that
9 time?

10 A I don't think so, but I don't know.

11 Q You don't remember seeing Callwell translate at
12 that point?

13 A All you know is Callwell kept trying to get them
14 to rack up, like to comply, but how or what was said, I
15 don't know.

16 Q What's the next thing you remember seeing happen
17 after she was shaking the pepper spray can?

18 A I walked away from the -- well, I had asked her
19 to escort them or count them there or bring them to
20 medical. She said no, they had to comply. That's what
21 Diaz told me personally.

22 Then from there I stepped away 'cause she kept
23 shaking the can. So I moved my location and I let them
24 deal with it 'cause it was not pertaining to medical at
25 that point.

1 Q So you asked Diaz to count them just at the
2 tables?

3 A Yeah, 'cause I was just trying to figure out a
4 way to not have them sprayed 'cause with her having the
5 can out, it would imply that she would anticipate to use
6 it, so.

7 Q Did it seem to you that they could just -- they
8 were sitting still, they could just count them at the
9 tables?

10 A Yes.

11 Q And you said also you thought maybe she could
12 bring them to medical?

13 A Yeah.

14 Q Had anyone told you that these detainees were on
15 hunger strike --

16 A No.

17 Q -- at this point?

18 Would the protocol have been if they were on
19 hunger strike to bring them to medical?

20 A Yes.

21 Q And count can be completed if some detainees are
22 in medical, correct?

23 A Yeah --

24 MS. TISHKOFF: May lack foundation.

25 THE WITNESS: -- but I don't know security's

1 bunks started yelling?

2 A I don't know a specific time. They were rowdy
3 during the whole encounter that I recall.

4 Q So when you first arrived, you remember hearing
5 the detainees in the bunks yelling down to you?

6 A I don't know if they were yelling down, but they
7 were -- as you can see in the video, they're overlooking
8 like the walls. So they were visually observing and
9 some were making noises, but I don't know that they were
10 specifically saying anything.

11 Q Do you remember any of the detainees saying
12 "stop" or "don't do that," the ones in the bunks?

13 A I have no clue.

14 Q You don't really remember what they were saying?

15 A No.

16 Q And do you remember at this point when you saw
17 this detainee being pulled away from the table what you
18 thought about the use of force? Did you have any
19 thoughts at that time?

20 MS. TISHKOFF: Well, it's overbroad, vague, it
21 lacks foundation and it calls for speculation, it's also
22 irrelevant and -- but you can go ahead and answer if you
23 have --

24 MS. STROTTMAN: Join that. Same objections.

25 MS. TISHKOFF: -- recall what your thoughts were

1 bunks started yelling?

2 A I don't know a specific time. They were rowdy
3 during the whole encounter that I recall.

4 Q So when you first arrived, you remember hearing
5 the detainees in the bunks yelling down to you?

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7 were -- as you can see in the video, they're overlooking
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10 specifically saying anything.

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12 "stop" or "don't do that," the ones in the bunks?

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21 lacks foundation and it calls for speculation, it's also
22 irrelevant and -- but you can go ahead and answer if you
23 have --

24 MS. STROTTMAN: Join that. Same objections.

25 MS. TISHKOFF: -- recall what your thoughts were

1 Q And would the guards inform you when the
2 detainee's been cleared?

3 A Yes, or medical. Not necessarily specifically
4 me.

5 Q Did you see where the guards were taking the
6 detainee?

7 A No.

8 Q From where you were standing could you see how
9 the guards had handled the detainee?

10 A No.

11 Q Were you able to see whether or not they were
12 striking the detainee?

13 A Striking?

14 Q Striking, yeah.

15 A Are you implying like hitting? Is that what you
16 mean by "striking"?

17 Q Yeah.

18 Could you see whether or not they were hitting
19 the detainee?

20 A I could see them standing with them, but I didn't
21 see anybody being hit.

22 Q I'm thinking at the time that you were at the
23 podium you're some distance from the tables?

24 A Right.

25 Q Did you have a clear line of sight to see what

1 was happening at the tables?

2 A I have a clear line of sight to see them there,
3 but there was a lot of commotion. So to see specific
4 actions, it would not have been clear to my view.

5 Q Do you remember anything specifically happening
6 as they were pulling the first detainee up?

7 A No.

8 Q Do you remember assessing whether he was
9 resisting officers or?

10 A That's not my role to assess that.

11 Q Do you remember any specific actions that were
12 taken at the time they were pulling the first detainee
13 up?

14 A No.

15 Q Do you remember the detainee doing anything in
16 response to the officers?

17 A All I watched was from the first time when the
18 lieutenant told them to remove the detainees or escort
19 them out, and then they all went. I stayed there. How
20 they specifically did it, I do not know.

21 Q Is there anything you remember about that removal
22 besides just the general fact that it happened?

23 A No, 'cause I was paying attention more to the
24 background with the other detainees.

25 Q And when you say "the background," you mean the

1 Q Did you have a walkie-talkie that day on you?

2 A A radio?

3 Q Yeah.

4 A Yes.

5 Q Do you remember at some point -- I know you said
6 there was the first radio call for Lieutenant Diaz to
7 come.

8 A Mm-hmm.

9 Q At some point was there another call on your
10 radio that you heard?

11 A There was a lot of radio traffic and I do not
12 recall what was said.

13 Q You didn't make any calls yourself?

14 A I did not.

15 Q And as you -- let me rewind that. That was a
16 little too fast. Hold on.

17 So starting at 6:39:14, did you see any detainees
18 be placed against the wall near where you had been
19 standing previously?

20 A I didn't see anything specifically occur from
21 where I was standing because as I stated, I was
22 observing the surroundings.

23 I was not directly watching the encounter between
24 officers and detainees. I was ensuring my safety with
25 the surrounding detainees in the bunk areas.

Page 113

1 Q So you don't remember any detainees making
2 contact with that wall?

3 A Well, I didn't watch it, so I don't know.

4 Q I'm looking at 6:39:36.

5 At this point were you still near the podium or
6 did you move anywhere?

7 A That's me (indicating).

8 Q Okay. So you're starting to move back farther?

9 A Yeah. Well, no, I've stayed right there by the
10 podium that whole time.

11 Q Oh, okay. So you've been at the podium. And now
12 this is you --

13 A No, that's an officer.

14 Q Oh, okay.

15 A This is still me by the podium.

16 Q Oh, by the podium. Okay. Great.

17 A Mm-hmm. So that's me moving to the right.

18 Q Okay. So that's at 6:40:38. You're moving --
19 sorry. Can you point to yourself again?

20 A Uh-huh. That's me at the first table to the
21 right of the podium.

22 Q Okay. Do you remember why you decided to move at
23 that time?

24 A Yeah. The detainees in the bunk areas continued
25 to be loud. I know they were yelling, but they were not

1 is that right?

2 A No. I only know them by last-name basis. I
3 don't know anybody on a first-name basis.

4 Q So you don't know what his first name was?

5 A No.

6 Q Do you remember where he was when you called out
7 to him?

8 A In his bunk. I called him by his bunk number.

9 Q Do you remember what his bunk number was at the
10 time?

11 A 65.

12 Q Was he someone who translated for you on a
13 regular basis?

14 A Not for me, but for detainees if they asked him
15 to.

16 Q During the whole time you were in 2 Charlie, was
17 he in his bunk?

18 A That I know of 'cause he's on the top behind the
19 wall, so that was not in my view.

20 Q You didn't see him on the floor translating for
21 anyone that morning?

22 A Oh, no.

23 Q So at that point you moved back over here to call
24 out to him to ask him to tell everyone to calm down?

25 A Yeah.

1 Q And did he instruct everyone to calm down after
2 you said that?

3 A Yes.

4 Q And did the people calm down?

5 A Yes, on the right side, on the right tier pretty
6 much everybody complied. On the left tier a lot did,
7 but some still remained standing.

8 Q Okay. I just fast forwarded it a little bit to
9 6:41:50.

10 At this point are you standing past the podium by
11 the tables that are past the podium from what's
12 happening?

13 A Yeah, I'm standing in between them.

14 Q And were you still observing generally what was
15 happening in the bunks or were you --

16 A Yeah.

17 Q Were you looking at all of the tables that's
18 toward the camera where the detainees were sitting?

19 A No.

20 Q Okay. And at this point I know you discussed a
21 conversation you heard with Diaz and Callwell.

22 A Mm-hmm.

23 Q At this point which is I think about 6:42, had
24 you heard anything else being said to the detainees or
25 the detainees saying anything else who were at the

1 Q Okay. And at this point I see there's officers
2 in the video. This is 6:43:52 on the C3 view. Officers
3 are removing another detainee.

4 Was that something you could see from where you
5 were standing?

6 A I was actually leaning, like sitting up against
7 on that first pedestal on that second table, and no.
8 Well, I'm sure I could have, but again, I wasn't
9 paying -- I wasn't focused on what they were doing.

10 I was focused on just watching around because all
11 of the officers were involved in addressing that issue,
12 so I was just observing for anybody from the bunk areas.

13 Q I see.

14 So do you remember any specific actions that took
15 place at this point when they started moving the
16 detainees from the second table?

17 A No. I didn't know of any actions that occurred
18 until the first time when I saw the video.

19 Q Okay. At this point I think I see you -- this is
20 6:44:07. I think I see you moving again.

21 A Mm-hmm.

22 Q Were you moving toward the bunk area?

23 A Yeah, to the bottom tier. Somebody was speaking
24 to me.

25 Q Do you remember what they were saying?

1 person who's walking --

2 A Yeah.

3 Q -- toward the podium?

4 A Well, to the tables.

5 Q The tables?

6 A Yes.

7 Q The tables that are by the podium?

8 A Yes.

9 Q And do you remember if you could see what was
10 happening with the removal of the detainees at this
11 time?

12 A I just remember kind of walking back and forth in
13 that general area, but I don't know specifically what I
14 was seeing at that time.

15 Q Do you remember if you were paying attention to
16 the tables again at this point?

17 A The whole time I paid -- primarily my attention,
18 my focus was solely on the detainees in the bunk area.
19 Never -- never was my attention towards the situation.

20 Q So you don't have any specific recollection of
21 what was happening with the removal of the detainees?

22 A No. There was just -- all I know is there was a
23 commotion. They were going -- you know, the officers
24 were coming in and out.

25 And as you can see in the video, there was

1 officers coming around me, but like specifically what
2 they were doing, I do not know.

3 Q Okay. And stopping it at 6:46:27. And I don't
4 know if you can see in the video, the detainee's just
5 been placed against the wall.

6 Is that what you can see?

7 A I can see that on the video, yes.

8 Q Could you see that that day?

9 A I didn't watch them do that. Had I been looking
10 that direction, I would have been able to see it, but I
11 did not observe that that day.

12 Q Okay. And you're still located back here by the
13 back stairs?

14 A Yes.

15 Q Okay. So --

16 A Oh, sorry. I'm just trying to in my mind, I was
17 trying to see -- no, that is --

18 MS. TISHKOFF: Don't -- wait for a question.

19 THE WITNESS: I'm just trying to see who -- I'm
20 just trying to pay attention, sorry, mentally of who's
21 where.

22 BY MS. SWEETSER:

23 Q No worries.

24 Are you still -- this is 6:46:39.

25 Are you still back here?

1 with her.

2 Q Okay. So at some point did you hear a call go
3 out for the RN?

4 A No, but whatever radio traffic she had, which I
5 don't remember, so for me to state would not be fair
6 'cause I don't remember how it was all verbalized, but
7 I -- in order for west and others to come in, the
8 lieutenant orchestrated that. And so how that was said,
9 I don't know.

10 Q And you told me earlier her name, but I've
11 forgotten.

12 A Who, the RN?

13 Q The RN, what was her name?

14 A Holmgren.

15 Q Can you spell that?

16 A H-O-L-M-G-R-E-N, as in Nancy.

17 Q Okay. Did you see some of the detainees being
18 carried out of the room?

19 A I don't -- yes. At some point when I was
20 observing on the left-hand side I do recall someone
21 being -- I don't know if they were being carried out,
22 but I do remember them being -- like being brought out,
23 but in what manner specifically, I didn't pay real close
24 attention.

25 Q Do you remember if any of the detainees were

1 carried out as opposed to walked out?

2 A I don't remember.

3 Q Did you and the RN talk at all about what was
4 happening?

5 A I forgot honestly that she even was in the dorm,
6 so. I don't even remember her coming out there.

7 Q I switched it back to C3 and we're at 6:48.

8 As you're looking at the video now, do you see
9 someone being carried out?

10 A I see a lot of blue shirts.

11 Q But you're not sure if the person's being carried
12 or walking?

13 A I couldn't even tell if they're dealing with an
14 individual 'cause I don't see a person.

15 Q Let me back it up a little bit.

16 A Sorry. Can you turn it a little bit this way?
17 Sorry, it's cloudy.

18 Q I'll hit play again at 6:47:54.

19 Can you see okay?

20 A Yeah. And you're asking me to answer according
21 to what I see on the video?

22 Q Yeah.

23 On the video can you tell if someone's being
24 carried or if they're walking out?

25 MS. TISHKOFF: The video speaks for itself, but

1 you can go ahead and answer.

2 THE WITNESS: Oh, yes. According to the video, I
3 could see it appears as though somebody was carried out.

4 BY MS. SWEETSER:

5 Q Do you remember if you saw that that day?

6 A No.

7 Q I can see you and the RN are still back by the
8 back stairs?

9 A Yeah. I'm facing her, so I'm not even facing
10 that direction.

11 Q Were you guys discussing at this time, you and
12 the RN -- well, you said you don't remember if you were
13 discussing --

14 A I don't remember her coming in. Seeing the
15 video, I can recall that, but I don't -- I wouldn't be
16 able to tell you specifically what we were discussing
17 because I -- until I saw her on the video I didn't even
18 remember her being in there.

19 Q After this detainee was carried out do you
20 remember what happened next?

21 A That last -- that one on the video that was last
22 removed?

23 Q Mm-hmm.

24 A I -- no. I just remember going from them -- me
25 smelling the spray as I'm like watching all the

1 and you would complete them?

2 A No, it would mean a practitioner or a provider of
3 whichever for it.

4 Q When it says "the established referral process,"
5 is that referring to what we discuss the earlier about
6 you adding people to the provider list?

7 A Is that on the same number, 8?

8 Q Same number, yeah.

9 A Yes.

10 Q When you were in 2 Charlie during the use of
11 force that we saw in the video, did you think detainees
12 had been hurt during that use of force?

13 MS. TISHKOFF: Lacks foundation, calls for
14 speculation, overbroad and vague.

15 If you formulated the opinion at that time, you
16 can go ahead and answer.

17 THE WITNESS: I didn't have an opinion at that
18 time.

19 BY MS. SWEETSER:

20 Q Did you see any detainees falling to the floor?

21 A No.

22 Q Did you form any opinions about whether the
23 detainees were in pain when they were being escorted
24 out?

25 A No, that would be me speculating.

1 Q Did you hear them making any sounds as they were
2 escorted out?

3 A There was so much noise in that dorm as a whole.
4 I couldn't differentiate anybody's or who noise was
5 coming from.

6 Q Do you know if Nurse Holmgren speaks Spanish?

7 A Not that I know of.

8 Q Do you know if Nurse Ventress speaks Spanish?

9 A I don't know.

10 Q Do you remember when you first performed a
11 medical check on a detainee on day?

12 A On a detainee?

13 Q Yeah.

14 After the use of force occurred, do you know when
15 you did the medical check on any detainee after that?

16 MS. TISHKOFF: Are you talking about vital signs
17 or any kind of assessment?

18 BY MS. SWEETSER:

19 Q Any kind of medical check, whether vital signs,
20 just an assessment, whatever you were --

21 A Once I started escorting the detainees from the
22 general population that were in the bunk areas out and
23 they got -- and again, once security cleared them as
24 organized, then I started vital signs on those detainees
25 in the rec yard.

1 Q Were the detainees being held at intake at that
2 time?

3 A That's where they were, yeah, when they called
4 me. They were in a holding cell.

5 Q And it was your understanding that security
6 needed to clear the detainees for you to see them; is
7 that right?

8 A Yes.

9 Q Did she tell you on the phone they've been
10 cleared, for you to come now?

11 A Yeah. She said that security was completed with
12 whatever and asked if medical can come and do their
13 part. I said sure.

14 Q And when she said she wanted the detainees to be
15 cleared by medical, do you know what she meant by that?

16 A It's called the RHU clearance.

17 Q Is that restricted housing unit?

18 A Yes.

19 Q And what type of clearance has to be done for the
20 restricted housing unit?

21 A You have to perform vital signs and do a general
22 health assessment and fill out the body incident sheet.

23 Q Is it different from the assessment you would do
24 after a use of force?

25 A No.

1 anybody involved in the incident. That's all I'm aware
2 of.

3 Q Would that include the officers as well?

4 A Yes.

5 Q Besides referring the one detainee who lost --
6 who had lost a tooth you said --

7 A Mm-hmm.

8 Q -- did you refer anyone else to an RN or other
9 provider?

10 A I called west because of the contact with the OC
11 spray. So I spoke with, I believe, Dr. Madrano
12 (phonetic) in regards to what's the protocol required
13 after that.

14 Q What did Dr. Madrano tell you?

15 A He instructed me to have all the detainees
16 transferred to west for a final assessment and
17 clearance.

18 Q At the time you saw the detainees involved in the
19 use of force do you know if they'd showered or not?

20 A When I had seen them, no, they had not.

21 Q Did you instruct the officers to take them for a
22 shower?

23 A I asked them if they could shower. They told me
24 that they were not able to shower until transported to
25 west.

1 A Yes.

2 Q How did you refer him to the RN?

3 A Verbally.

4 Q So she was present at that time?

5 A Yeah, she was in medical.

6 Q Okay. So let me back up a bit.

7 A Okay.

8 Q So you said that it was Officer Callwell that
9 called to have you clear the detainees; is that right?

10 A Yes.

11 Q And they were in a holding cell near intake; is
12 that right?

13 A They were in intake.

14 Q They were in intake in a holding cell; is that
15 right?

16 A Yes.

17 Q Did you go to that holding cell?

18 A Yes.

19 Q When you got to the holding cell, did you find
20 that the pepper spray was still present in the air?

21 A I don't recall.

22 Q Do you remember saying anything to the officers
23 about clearing out the air in the cell?

24 A No. I only asked her about the showering.

25 Q Was Officer Callwell present when you arrived?

1 report, if they inquired any injury. And Callwell
2 translated that for me. And anybody that had anything,
3 I documented it.

4 Q Do you remember the detainees complaining about
5 the pepper spray?

6 A I remember one saying that he had it on his arms
7 and that's when I asked about the shower.

8 Q Do you remember if any of the detainees were
9 tearing at the time?

10 A No.

11 Q No, you don't remember or no, they weren't?

12 A Nobody was. Nobody was in any acute distress.

13 Q Do you remember about what time in the morning
14 this was?

15 A No.

16 Q Do you remember about how long it had been since
17 your shift ended?

18 A A long time. I know I put the times on the
19 paper, on their body sheet.

20 Q Did you do any other kind of tests like
21 urinalysis or any kind of diagnostic test on them?

22 A No.

23 Q So you asked Officer Callwell about the shower?

24 A Mm-hmm.

25 Q Did she -- and you said she was -- was it Officer

1 Callwell who said that they need to go to west first or
2 was it Dr. Madrano who said they need to go to west?

3 A No. Callwell, for the showering portion, said
4 that would occur at west.

5 Q Was that before or after you talked to
6 Dr. Madrano?

7 A I don't remember.

8 Q Did you -- after you took their vitals what's the
9 next thing you remember happening?

10 A I went back to medical, reported it to my RN with
11 the findings that I had and I asked the oncoming RN
12 Peterson to please see the one detainee while I called
13 west for further instructions.

14 Q Do you know if Peterson went to see the detainee
15 in the holding cell?

16 A She did. I don't know when, though.

17 Q Did you have any provider, nurse practitioner on
18 staff at that time?

19 A No.

20 Q Do you remember a nurse practitioner coming in
21 later?

22 A No.

23 Q Okay. For the next portion of the deposition I'd
24 like to mark it confidential 'cause we're gonna go
25 through the medical records.

CONFIDENTIAL

1 A No.

2 Q I'll show you Exhibit 9.

3 (Whereupon, Plaintiffs' Exhibit 9 was
4 marked for identification by the Court
5 Reporter and is attached hereto.)

6 MS. TISHKOFF: Thank you.

7 BY MS. SWEETSER:

8 Q Is this a document that has your handwriting on
9 it?

10 A Yes.

11 Q Did you fill this out during or after an exam of
12 Anthony Reyes?

13 A Yes.

14 Q And I see you noted that he was having difficulty
15 breathing?

16 A Yes.

17 Q What do you remember about Officer Reyes that
18 day?

19 A I remember them coming through medical, and other
20 officers were assisting him 'cause he couldn't see. And
21 he had very labored breathing and he just seemed in
22 distress and was like crying and screaming about his
23 eyes burning.

24 Q Do you know what happened to Officer Reyes, who
25 put him in this state?

Page 171

CONFIDENTIAL

1 A Well, per his statement when I did my assessment
2 was that he came in direct contact with the COC that was
3 sprayed.

4 Q And when you say "direct contact," you mean it
5 was sprayed directly on him?

6 A Direct contact would mean that he actually came
7 in contact. Whether it was directly directed at him or
8 not, I could not say.

9 Q Do you know if he got the spray on him during the
10 use of force?

11 A That's what was stated to me.

12 Q Do you know if he got it from touching the
13 detainees?

14 A I have no idea.

15 Q Did you refer him to someone else?

16 A Once we find anything abnormal they have to
17 actually go out through GEO's evaluators. So from there
18 he was assisted to go to an off-site clinic.

19 Q Did he have any abnormal findings with his vital
20 signs or was it the difficulty breathing that you found
21 needed referral?

22 A The difficulty breathing and the direct contact
23 with the spray being on him. From my understanding, it
24 was a policy for him to be evaluated further.

25 Q Did you -- at the time of this assessment did you

Page 172

1 provide him with anything like, I don't know, a towel or
2 some way to wash himself?

3 A Cold water.

4 Q Did you advise him that he needed to wash in cold
5 water?

6 A Yeah. I, with the other officers, escorted him
7 into the medical triage room with the eye washing
8 station, just ran cold water through his -- over his
9 eyes.

10 Q Where's the eye washing station located?

11 A They are connected to all of our sinks in
12 medical.

13 Q Are they in the satellite rooms as well?

14 A Yes.

15 Q Is there a medical room in intake?

16 A Yes.

17 Q Does that have an eye washing station?

18 A I believe so.

19 Q And is the eye washing station just -- can you
20 describe for me how it works?

21 A It's just a part of the actual faucet. It's --
22 you have your standard faucet, and from the portion
23 where the -- of the spigot where the water comes out you
24 actually have a switch or like a bevel that you can pull
25 or push which has like, I don't know, two trunks or

CONFIDENTIAL

1 A No.

2 Q What did Officer Callwell say when you asked her
3 about the change of clothes?

4 A She told me all of that happens at west because
5 the intake at east is for female detainees only.

6 Q Do you know if there were showers for male
7 detainees in east facility?

8 A Say that one more time.

9 Q Do you know if there were showers for male
10 detainees in east facility?

11 A For male?

12 Q Mm-hmm.

13 A I just now that there are showers in the intake
14 area. I don't know who they're designated for or not.
15 That's not my department.

16 Q When you took Officer Reyes to the eye wash
17 station, about how long does the water need to run to
18 clear someone's eyes after they've been pepper sprayed?

19 A There's actually no specific time stated. You're
20 supposed to run it till irritation ceases or goes away.

21 Q Do you remember how long you ran it for Officer
22 Reyes?

23 A I do not.

24 Q Did you do anything to relieve his difficulty
25 breathing?

Page 175

CONFIDENTIAL

1 A There really was nothing that you -- that I could
2 do because he was just what I would consider in distress
3 based off of the situation. So it was more just
4 verbally coaching for him to relax and deep breathing
5 exercises.

6 Q I'll show you Exhibit 10.

7 (Whereupon, Plaintiffs' Exhibit 10 was
8 marked for identification by the Court
9 Reporter and is attached hereto.)

10 BY MS. SWEETSER:

11 Q Does your handwriting appear on this Exhibit 10?

12 A Yes.

13 Q So I see for Mr. Burgos you did an exam, vital
14 signs; is that right?

15 A Yes.

16 Q And you said there's no injury to report; is that
17 right?

18 A Correct.

19 Q Did you do any inspection of his arms that you
20 remember?

21 A I just asked questions.

22 Q When he said his arms -- does this line reflect
23 that he said his arms were irritated?

24 A Yeah. So he put his arms out, said his arms were
25 irritated (indicating).

Page 176

CONFIDENTIAL

1 Q And did you visually inspect them?

2 A Yeah, I looked at them. They had redness.

3 Q And you indicated on the bottom that the injury
4 is non-reportable; is that right?

5 A Correct.

6 Q What does that mean?

7 A It means that there was no acute injury or
8 requirement to be seen on an urgent basis.

9 Q Did you notify any doctor at this time?

10 A No.

11 Q And I see you marked off -- next to "fighting,"
12 you marked off "NA." Does that mean that he wasn't
13 fighting?

14 A Correct.

15 Q And it was the OC spray that was the reason for
16 your assessment?

17 A Yes.

18 Q Do you know when you put the 900 on the bottom --
19 9:00 a.m. I imagine, right?

20 A Yes.

21 Q Was that the time that you were filling out these
22 forms or was it the time that you got there to see them,
23 do you remember?

24 A I do not remember. I believe it was an
25 approximated time of when I saw them in intake.

Page 177

CONFIDENTIAL

1 discomfort. And then I continued with the rest of the
2 body systems and I went back and reported to Peterson.

3 Q Do you remember any -- him talking about any
4 issue with his nose?

5 A No.

6 Q Do you remember observing anything abnormal about
7 his nose?

8 A No.

9 Q Did he only have the one crown missing?

10 A That's all he showed me. I don't -- I don't know
11 teeth.

12 Q And when you say "no distress noted," what did
13 you mean by that?

14 A Meaning that he was breathing normal. He was not
15 abnormal in his stature medically.

16 Q And you said that Nurse Peterson saw him as well,
17 right?

18 A Yes.

19 Q And I see she signed -- she signed the bottom of
20 this form; is that right?

21 A Correct.

22 Q So did you fill it out, then she signed it?

23 A I filled out my assessment and I turned it over
24 to her.

25 Q When it says "time, 9:55," would that indicate

Page 205

1 the time that she saw him?

2 A That's the time she wrote. That's not my
3 handwriting.

4 Q So which portion of this document is your
5 handwriting, if you can --

6 A The name, the date of birth, the detainee number,
7 date of incident, the time, location, that NA stated for
8 type of incident for fighting, "other, OC spray," under
9 "explanation" that is all my handwriting.

10 And from "point of injuries, head, face, chest,
11 back, arms, legs," all that information filled out is
12 from me. And I circled "reportable."

13 Q Okay. So her only handwriting on the form is on
14 the bottom line where she signed it?

15 A And where she X'd out the "no" for "notification
16 to physician" and "Dr. Madrano" is her handwriting.

17 Q Okay. So you didn't determine that it was
18 necessary to notify the doctor, she determined that?

19 A Correct. At that point I had to release it to a
20 RN to further the assessment.

21 Q Do you remember if you talked to Dr. Madrano
22 about this detainee?

23 A I did.

24 Q Was that before or after Dr. Peterson saw him --
25 I mean, Nurse Peterson saw him?

EXHIBIT 22

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

)
OMAR ARNOLDO RIVERA MARTINEZ,)
et al.,)
)
Plaintiffs,)
)
vs.) No.
) 5:18-cv-01125-R-GJS
THE GEO GROUP, INC., et al.,)
)
Defendants.)

DEPOSITION OF RICHARD MEDRANO, M.D.
Ontario, California
Wednesday, July 10, 2019

Reported by:
RENEE A. PACHECO, RPR, CLR
CSR No. 11564
Job No. 3433031
PAGES 1 - 123

1 THE DEPONENT: Geo 92, yes. That's
2 documentation that he refused an X-ray.

3 BY MS. SWEETSER:

4 Q So besides Geo 50 that you just mentioned of
5 the 5th and then Geo 92, do you see any other records
6 regarding X-rays?

7 MS. TISHKOFF: X-rays of the nose you're
8 talking about? He already said he saw the chest X-ray.

9 THE DEPONENT: So I'm looking at CCS49 and I
10 see that he has a nasal fracture. The only way we would
11 know that is if there was X-ray done.

12 MS. COLEMAN: What page?

13 THE DEPONENT: 49.

14 MS. TISHKOFF: 49. CCS49.

15 THE DEPONENT: The reason for the appointment
16 is with me and it's a nasal fracture follow-up. So he
17 did have an X-ray because we wouldn't have known that he
18 had a fracture of the nose unless we had an X-ray, so...

19 BY MS. SWEETSER:

20 Q Based on these records, did the X-ray take
21 place on July 5th, 2017?

22 A I don't know.

23 MS. TISHKOFF: Lacks foundation.

24 THE DEPONENT: I don't know when the X-ray took
25 place.

EXHIBIT 23

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

OMAR ARNOLDO RIVERA MARTINEZ;)	
ISAAC ANTONIO LOPEZ CASTILLO;)	
JOSUE VLADIMIR CORTEZ DIAZ;)	
JOSUE MATEO LEMUS CAMPOS; MARVIN)	
JOSUE GRANDE RODRIGUEZ; ALEXANDER)	
ANTONIO BURGOS MEJIA; LUIS BARAHONA)	
CORNEJO, as individuals,)	
)	
Plaintiffs,)	
)	
vs.)	CASE NO. 5:18-cv-
)	01125-R-GJS
)	
THE GEO GROUP, Inc., et al.,)	
)	
Defendants.)	
_____)	

WEBCAM DEPOSITION OF ISAAC ANTONIO LOPEZ CASTILLO

Taken on

Tuesday, July 23, 2019

Amber Pilson, CSR 13992

1 Q. How do you know that?

2 A. Because we were segregated at the time. We did
3 not have access to a telephone.

4 Q. You didn't have any access to a telephone
5 during that time?

6 A. Yes, but only for -- for exclusive persons.

7 Q. People that were on your approved list to call?

8 A. Exactly.

9 Q. So did you call Telemundo and Univision after
10 you were out of segregated housing?

11 A. Exactly.

12 Q. How many times did you talk to Univision?

13 A. One time.

14 Q. Did you talk to them about the same things that
15 you talked to Telemundo about?

16 A. I was more detailed about it.

17 Q. What else did you tell Univision that you
18 didn't tell Telemundo?

19 A. More details about what had happened.

20 Q. Do you remember any of the details that you
21 reported to Univision?

22 A. Yes.

23 Q. Please, describe them.

24 A. Like all the numbers that they were blocking,
25 and that this was going to be the last time that I would

1 be able to speak to them because they were also going to
2 block their phone number.

3 Q. Who was going to block the phone number?

4 A. The company that's in charge of blocking them.

5 Q. The company that's in charge of the phones?

6 A. I suppose so.

7 Q. And how did you know the number was going to be
8 blocked?

9 A. Because any call that we would make to report
10 what was going on, they would block it.

11 Q. Did you try to make a lot of calls to
12 reporters?

13 A. No.

14 Q. Did you talk to any other news agencies other
15 than Telemundo and Univision?

16 A. Not by telephone.

17 Q. Did you talk to them in any other way?

18 A. Yes.

19 Q. How?

20 A. They requested to interview us personally at
21 the detention facility.

22 Q. When you say "they," who do you mean?

23 A. The media.

24 Q. Any particular media?

25 A. Univision; Channel 6; there's another

1 MS. COLEMAN: Did you guys get some exhibits
2 over there?

3 THE COURT REPORTER: Yes, Counselor. I've
4 marked them already.

5 THE INTERPRETER: I apologize. I thought it
6 was a question for the witness.

7 MS. COLEMAN: That's okay.

8 MS. TISHKOFF: Would you send them to me,
9 Susan, if you could? Thanks.

10 MS. COLEMAN: Oh, yeah. If I can find them in
11 my e-mail here.

12 (A discussion was held off the record.)

13 MS. TISHKOFF: Well, if you can't find them,
14 Susan, that's okay. Don't worry about it.

15 MS. COLEMAN: No, I found them. I'm just
16 trying to -- just trying to forward them. Hold on.

17 I think I'm going to have to move them from my
18 trash first.

19 Okay. So I previously marked Exhibit 1, a
20 document that's numbered 01985, and it's the receipt for
21 handbooks.

22 (Exhibit 1 was marked for identification
23 and is attached hereto.)

24 BY MS. COLEMAN:

25 Q. Is that your signature?

1 A. Yes.

2 Q. Does that indicate you received a GEO handbook
3 and an ICE handbook?

4 MS. ALARCON: I'm just going to object that the
5 document speaks for itself and the client doesn't
6 speak -- doesn't read English.

7 BY MS. COLEMAN:

8 Q. Is that your signature?

9 A. Yes.

10 Q. Was there an answer?

11 THE INTERPRETER: Yes. The answer was "Yes."

12 BY MS. COLEMAN:

13 Q. Did they have handbooks in Spanish too?

14 A. I don't recall.

15 Q. Did you ask for a handbook in Spanish?

16 A. Yes.

17 Q. And what was the answer?

18 A. They never gave me one.

19 Q. Did you read anyone else's handbook in Spanish?

20 A. No.

21 Q. Did you see anyone with a Spanish manual?

22 A. No.

23 Q. And showing you what's been marked as
24 Exhibit 2, it's No. 01981, that document concerns
25 three-way calls being prohibited.

1 A. Okay. Well, speak to the agents from ICE and
2 speak to someone in charge of GEO because we wanted to go
3 over the complaints that we had.

4 Q. And that was you and the other eight people in
5 your group?

6 A. Yes.

7 Q. Did you plan to write a story or do a news
8 report on these issues?

9 A. No.

10 Q. Whose idea was the strike?

11 A. Everyone's.

12 Q. Did you all meet together to talk about it?

13 A. Yes.

14 Q. When?

15 A. I think that was planned one week before the
16 hunger strike.

17 Q. Where did you meet?

18 A. At the dining room.

19 Q. And was that all nine of you that met?

20 A. Yes.

21 Q. How did you know the other eight?

22 A. Okay. During the course of being transferred
23 from Otay Mesa to Adelanto, that's where we met, but we
24 had already seen each other before.

25 Q. You were all transferred from Otay Mesa to

1 A. Yes.

2 Q. Did you tell any of the officers why you
3 weren't going back to your bunk?

4 A. Yes.

5 Q. How many officers did you tell?

6 A. The one that was at the podium.

7 Q. Who was at the podium?

8 A. I don't know.

9 Q. Was it someone that spoke Spanish?

10 A. No.

11 Q. Did you -- were the two officers that spoke
12 Spanish there that day?

13 A. No.

14 Q. Did any of the detainees speak English?

15 A. Not talk -- not speak it, really, no.

16 You mean from the group or?

17 Q. Yes, from your group.

18 A. Not fluently, no.

19 Q. Did anyone from your group of nine speak enough
20 English to talk to the officer at the podium?

21 A. We tried, yes.

22 Q. Who tried?

23 A. Marvin Grande.

24 Q. Did you go to the podium too?

25 A. Yes.

1 Q. Why did you go to the podium?

2 A. I went to drop off the letter that indicated
3 that we were starting the peaceful hunger strike and that
4 we wanted to talk with the ICE agents and with GEO.

5 Q. And with GEO?

6 A. Yes.

7 Q. Was the letter in English or Spanish?

8 A. In Spanish.

9 Q. But the officer at the podium didn't speak
10 English -- didn't speak Spanish?

11 A. He spoke English not Spanish.

12 Q. So he probably couldn't read the letter you
13 gave him; right?

14 MS. ALARCON: Objection. Calls for
15 speculation.

16 You can answer.

17 BY MS. COLEMAN:

18 Q. You can answer.

19 A. Yes.

20 Q. Do you know what's marked as Exhibit 5 there?

21 A. Yes.

22 (Exhibit 5 was marked for identification
23 and is attached hereto.)

24 BY MS. COLEMAN:

25 Q. It's labeled P000199 and P000200?

1 A. Yes.

2 Q. Is that the letter you gave to the officer?

3 A. No.

4 Q. Do you recognize this --

5 A. This is the last one that we gave them because
6 there was two -- two given to them.

7 Q. When -- when was this one given to staff?

8 A. This was the second one given to them.

9 Q. On the same day?

10 A. Yes.

11 Q. What was the first one given to them?

12 A. At the beginning of the strike.

13 Q. When did the strike start?

14 A. On the 12th.

15 Q. And the letter we marked as Exhibit 5, when was
16 that given to them?

17 A. This was given to them a few minutes after the
18 first one was given to them.

19 Q. A few minutes after?

20 A. Yes.

21 Q. What was on the first letter?

22 A. On the first letter, we were informing them
23 that we were starting a hunger strike, peaceful, and we
24 were requesting to speak with ICE, with GEO, and that's
25 all.

1 Q. Did you -- did the letter that was given to the
2 officer at the podium say anything about why you weren't
3 going back to your bunk?

4 A. Yes.

5 Q. And what did it say about why you were
6 remaining at the table?

7 A. Because we wanted to speak to the agents which
8 I mentioned previously.

9 Q. So the letter said you would stay at the table
10 until ICE and GEO officials came to speak to you?

11 A. Yes.

12 Q. And was that information in Spanish?

13 A. Yes.

14 Q. And it was given to the officer who spoke
15 English?

16 A. Yes, but there was someone that helped us
17 translate it.

18 Q. Who helped you translate?

19 A. I don't know the name, but it was another
20 inmate.

21 Q. Can you describe that person?

22 A. I don't remember them anymore.

23 Q. Where were they from?

24 A. I don't know.

25 Q. And could you understand what the detainee told

1 the officer?

2 A. No, because I don't speak English.

3 Q. So you heard the information given to the
4 detainee for translation in Spanish; right?

5 A. Yes.

6 Q. But you didn't hear or understand enough
7 English to know whether he actually translated it?

8 A. I did hear it, but I couldn't understand it.

9 Q. So you don't know if he translated everything
10 or if he translated it correctly?

11 A. Exactly.

12 Q. And the letter that we marked as Exhibit 5, who
13 wrote that?

14 THE WITNESS: This one?

15 MS. ALARCON: Yes.

16 THE WITNESS: Luis.

17 BY MS. COLEMAN:

18 Q. When was it written?

19 A. I don't remember.

20 Q. Was it written during the meeting a week
21 earlier?

22 A. I don't recall.

23 Q. Did -- did you and the others discuss trying to
24 get a note written in English?

25 A. No.

1 Q. And you understood that was an order; right?

2 A. Yes.

3 Q. And you chose to ignore that order; correct?

4 A. Yes.

5 Q. What happened next?

6 A. I got out from the table, and I took the first
7 letter to the officer. Then I called Marvin Grande so he
8 could try to explain a little bit of what was happening.
9 I went back to the table, and then Marvin asked me for
10 the second letter, which is Exhibit 5.

11 I got up again. I took Exhibit 5, and I went
12 back to my chair. Then the other inmate got there to
13 help us translate, and I went back to hear what they were
14 talking about.

15 Q. You went back to the podium to hear them?

16 A. Yes.

17 Q. What happened after that?

18 A. Well, all of us, Marvin and I -- Marvin Grande
19 and I went back to the table, and the other inmate went
20 back to his bed.

21 Q. Then what happened?

22 A. A few minutes went by, and some officers got
23 there along with someone that was wearing white, and he
24 got there, and, in a threatening matter, he was yelling
25 at us, and he had the pepper spray in his hand.

1 Q. Was it a male or a female that was yelling at
2 you with pepper spray?

3 A. It was a woman.

4 Q. Was she a supervisor?

5 A. Yes.

6 Q. What was she yelling?

7 A. I don't know. It was English.

8 Q. You didn't understand any of the words?

9 A. No.

10 Q. Did she say anything about count?

11 A. No.

12 Q. Did she point towards the beds?

13 A. Yes.

14 Q. And what did you understand from her pointing
15 towards the beds?

16 A. To go back to the beds.

17 Q. You understood she was ordering you back to the
18 beds?

19 A. Yes.

20 Q. And did you understand from her holding the
21 bottle of pepper spray while she was pointing towards the
22 beds that you might be pepper sprayed if you did not
23 respond to the bed?

24 MS. ALARCON: Objection. Calls for
25 speculation; assumes facts.

1 BY MS. COLEMAN:

2 Q. You can answer.

3 A. Yes.

4 Q. How many officers responded?

5 A. I don't understand.

6 Q. You described one lady in a white shirt at the
7 table.

8 A. Mm-hmm.

9 Q. Were there any other staff there?

10 A. Yes.

11 Q. How many?

12 A. I don't know.

13 Q. Can you estimate?

14 A. No.

15 Q. Did any of those other people yell commands?

16 A. No. Only her.

17 Q. She was the only one yelling things?

18 A. Yes.

19 Q. What were the other people doing?

20 A. They were just waiting for her order.

21 Q. They were just standing there?

22 A. Yes.

23 Q. What were the detainees that were not sitting
24 at the tables doing at that time?

25 A. I honestly don't know because I couldn't see

1 them.

2 Q. Could you hear them yelling?

3 A. Not before the abuse, no.

4 Q. You couldn't hear detainees yelling anything
5 before you were pepper sprayed?

6 A. No.

7 Q. Could you see the other detainees standing up
8 before you were pepper sprayed?

9 A. No --

10 MS. ALARCON: Objection. Lacks foundation;
11 assumes facts.

12 You can answer.

13 BY MS. COLEMAN:

14 Q. You can answer.

15 A. No, because my back was towards -- was towards
16 them.

17 Q. So what was the next thing that happened?

18 You described the supervisor holding the pepper
19 spray can up. What happened next?

20 A. One of the agents got near, and he talked to us
21 in Spanish, and he told us that they did not want to do
22 that, and if we understood that.

23 Q. They did not want to do what?

24 A. What we were doing, the strike and for us --
25 and us being there.

1 Q. The agent said they did not want you to strike?

2 A. No. No, that we did not want to do that.

3 Q. What did the agent say?

4 A. He was referring to us, "You don't want to do
5 this."

6 Do you understand?

7 Q. So he said, "You don't want to do this hunger
8 strike"?

9 MS. ALARCON: Objection. Misstates his
10 testimony.

11 BY MS. COLEMAN:

12 Q. Well, did you understand him to be referring to
13 the hunger strike or staying at the table and not
14 returning to your bed for count?

15 A. What I said is that he was trying to tell us --
16 how can I explain it?

17 I understood it like this, as a warning: If
18 you do this, you know it's going to be bad for you. That
19 is what he told us, "You know you guys don't want to do
20 this."

21 Q. And did you understand him to be referring to
22 you staying at the table and not returning to your bed or
23 the hunger strike?

24 MS. ALARCON: I don't think that was a complete
25 translation.

1 THE INTERPRETER: Can you rephrase the
2 question?

3 BY MS. COLEMAN:

4 Q. Do you know whether the agent was referring to
5 you staying at the table or not eating?

6 A. I don't know.

7 Q. But you knew, if you went back to your bed, you
8 wouldn't be pepper sprayed; right?

9 A. Mm-hmm. Yes.

10 Q. Is that a "Yes"?

11 A. "Yes."

12 Q. And you chose to stay at the table even knowing
13 that; right?

14 A. Yes.

15 Q. Did you have any further discussion with the
16 Spanish-speaking agent?

17 A. No.

18 Q. When he said, "If you do this, it will be bad
19 for you," did you -- did you or any of the others
20 respond?

21 A. I answered.

22 Q. You answered?

23 A. Yes.

24 Q. What did you answer?

25 A. That I knew it.

1 Q. You said *yo sé*?

2 A. Yes.

3 Q. And was there any further discussion?

4 A. Yes and no.

5 Q. Can you explain?

6 A. I tried to explain to the officer what was
7 happening, but he refused to listen.

8 Q. What did you explain to him?

9 A. I told him I wanted to explain why we were
10 doing this, and he only said, "No. No. I don't want to
11 know anything." He turned, and he left.

12 Q. Then what happened next?

13 A. That's when the agent that was wearing white
14 starting yelling louder to us, and they started scuffling
15 with the other ones on the table that were there.

16 Q. The agent in white, what did she -- what was
17 she yelling?

18 A. I don't know.

19 Q. Did anyone translate what she said?

20 A. No.

21 Q. Was she pointing?

22 A. No. She would only hit with her pepper spray
23 can like this.

24 Q. She hit the table with the pepper spray can?

25 A. On many occasions.

1 Q. How many times?

2 A. I don't know.

3 Q. You said "many." Was that more than two or
4 three times?

5 A. Yes.

6 Q. What happened next?

7 A. Okay. Okay. And when they couldn't take us
8 apart because we were held together with our feet
9 crossed. There's some type of a tube that runs
10 underneath, so we were all linked together like a chain.
11 Since they were not able to take us apart, then she
12 started pepper spraying us.

13 Q. When did you and the other people in the group
14 link your feet and arms together?

15 A. When they started, like -- I'm sorry -- when
16 they started scuffling with us.

17 Q. What do you mean by "scuffling"?

18 A. They were trying to pull us.

19 Q. Before anyone tried to pull you apart, did you
20 join arms with the others?

21 A. No. It wasn't until they tried to pull us.

22 Q. So when the officers started to try to pull you
23 apart, that's when you all joined arms and legs?

24 A. Yes.

25 MS. ALARCON: Objection. Misstates his

1 testimony.

2 BY MS. COLEMAN:

3 Q. Did you have your legs joined with the other
4 detainees, or were your legs wrapped around something on
5 the table?

6 A. I only crossed my legs because there's a tube
7 that goes from the table.

8 Q. There's a what?

9 THE INTERPRETER: "A tube."

10 BY MS. COLEMAN:

11 Q. Did you cross -- did you try to fasten your
12 legs to the tube under the table?

13 A. Yes.

14 Q. And by linking arms and putting your legs
15 around the tube, you were trying to make it more
16 difficult for staff to remove you?

17 A. Yes.

18 Q. Why did you want to make it more difficult for
19 staff to pull you off the table?

20 A. We simply wanted to get the attention from the
21 officers that we had requested.

22 Q. And why did you think making it difficult for
23 them to remove you would get you more attention?

24 A. I don't know.

25 MS. ALARCON: Counsel, it's almost 1:30.

1 Is this a good time to take a lunch break?

2 MS. COLEMAN: Sure. If you'd like one.

3 MS. ALARCON: We would like one.

4 MS. COLEMAN: How much time -- go off the
5 record.

6 (Lunch recess at 1:20 P.M.)

7 (Back on the record at 2:08 P.M.)

8 BY MS. COLEMAN:

9 Q. Before we left, you said that the supervisor in
10 a white shirt began pepper spraying you.

11 A. Yes.

12 Q. And that was after some officers had tried to
13 pull you and the others from the table?

14 A. Yes.

15 Q. How many officers were trying to pull you off
16 the table?

17 A. Two.

18 Q. And two officers tried to pull just you,
19 personally, off the table?

20 A. There was a third one that was on the other
21 side of the table facing me, and she would put her nails
22 on the back of the ears.

23 Q. Back of your ears?

24 A. Yes.

25 Q. She was standing on the other side of the

1 table?

2 A. Yes.

3 Q. How did the two officers try to pull you off
4 the table?

5 A. One of them punched my ribs with a closed first
6 around three times.

7 Q. Punched your ribs?

8 A. Yes.

9 Q. What did the other officer do?

10 A. He was pulling me.

11 (Whereupon the court reporter asks for
12 clarification.)

13 THE WITNESS: Yes.

14 BY MS. COLEMAN:

15 Q. How was he pulling you?

16 A. He was pulling me from my -- from the shirt and
17 from my arm, above all.

18 Q. From your arm and your shirt?

19 A. Yes.

20 Q. Which arm?

21 A. I don't recall which side it was.

22 Q. So one officer was pulling one of your arms,
23 and another officer was hitting you in the ribs?

24 A. Yes.

25 Q. Okay. What happened next?

1 A. Well, at the end, the lady continued pepper
2 spraying all our body. I yelled, "My eyes," and then she
3 pepper sprayed me in my mouth. Then they were able to
4 separate us. They took me to one of the railings that
5 was close to the second floor. Then they took me to one
6 of the areas that was close by the phones, and they
7 took -- they smashed my face up against one of the
8 windows that was by the phones.

9 Q. Did anyone pepper spray you other than the
10 woman wearing the white shirt?

11 A. No. Only her.

12 Q. How many times did she pepper spray you?

13 A. I don't remember.

14 Q. Where did she pepper spray you?

15 A. What part of my body?

16 Q. Yes.

17 A. On the head; on the face; on the mouth; and all
18 on my uniform, including on my private parts.

19 Q. Is there anyone she didn't spray you?

20 A. The feet.

21 Q. How many seconds did she pepper spray you?

22 MS. ALARCON: Objection. Calls for
23 speculation.

24 Only if you know.

25 THE WITNESS: I don't remember.

1 BY MS. COLEMAN:

2 Q. So you don't remember how many times or how
3 long?

4 A. No.

5 Q. Were you the only person that the woman pepper
6 sprayed?

7 MS. ALARCON: Objection. Calls for
8 speculation.

9 BY MS. COLEMAN:

10 Q. That you saw?

11 A. I could -- I just closed my eyes because I
12 couldn't take the burning from the pepper spray.

13 Q. Did you see anyone else pepper sprayed before
14 you were pepper sprayed?

15 A. Yes. The ones on the table, it was four of
16 them, and then we were next. That's when I closed my
17 eyes.

18 Q. So you're saying the four people at the other
19 table were sprayed before you?

20 A. Yes.

21 Q. Did you see anyone at your table pepper sprayed
22 before you?

23 A. Yes.

24 Q. Who?

25 A. The other ones, the ones that were on the other

1 A. She used pressure.

2 Q. So you described that, after the pepper spray,
3 you were able to be pulled off the table; right?

4 MS. ALARCON: Objection. Misstates his
5 testimony.

6 THE WITNESS: Yes.

7 BY MS. COLEMAN:

8 Q. And what happened immediately when you were
9 pulled off the table?

10 A. They took me towards to where the rails are at.

11 Q. Were you walking?

12 A. No. They were dragging me.

13 Q. How were they dragging you?

14 A. Like carrying me and pulling me.

15 Q. How many officers were carrying or pulling you?

16 A. Two.

17 Q. Was it one officer on each arm?

18 A. Yes.

19 Q. Were you handcuffed?

20 A. They handcuffed me once they took me towards
21 the glass by the phone. That's where they handcuffed me.

22 Q. When they took you to the rail, what -- did
23 anything happen there?

24 A. I don't remember.

25 Q. Then, after you got to the rail, you said they

1 took you towards the phone area?

2 A. Yes.

3 Q. Is that in the same building?

4 A. Yes.

5 Q. And what happened at the telephone area?

6 A. They threw me against the glass there, and they
7 hit my face against it. They held me there with pressure
8 while another officer handcuffed me. Then they took me
9 outside.

10 Q. Where did they take you outside?

11 A. Towards the yard.

12 Q. Was it still two officers escorting you?

13 A. At that moment I don't even know how many there
14 was. I just know that they kept throwing me up against
15 the wall.

16 Q. Outside or inside?

17 A. On the hallway going towards outside. It's
18 like a hallway, like an L shape.

19 Q. So you said you were thrown up against the wall
20 by the phones, and you hit your face?

21 A. Yes.

22 Q. And after you were brought out of the building,
23 on the way to go outside, how many times were you hit
24 against the wall?

25 A. It wasn't like directly against the face. It's

1 Q. Were you thrown on the concrete more than one
2 time outside?

3 A. No.

4 Q. Only one time?

5 A. Yeah.

6 Q. And where did you hit when you landed on the
7 concrete?

8 A. On the knee.

9 Q. Did that cause an injury to your knee?

10 A. Yes.

11 Q. How was your knee injured?

12 A. It scraped it, and there was some pain.

13 Q. Have you described everything that the officers
14 did to you during the incident on June 12th, 2017?

15 A. No.

16 Q. Okay. What else happened?

17 A. Then they took us towards another area to a
18 cell where I was sort of able to open my eyes, and the
19 crystal at the door said "three max."

20 Q. I'm sorry. What?

21 THE INTERPRETER: Which part did you miss,
22 Counsel?

23 MS. COLEMAN: Your last statement. Maybe the
24 court reporter can read it back.

25 (The record was read by the Court

1 Reporter as follows:

2 "A ...and the crystal at the door said
3 three max.")

4 BY MS. COLEMAN:

5 Q. The "crystal" at the door?

6 A. Yes.

7 THE INTERPRETER: Counsel, may I clarify?

8 "To the glass."

9 MS. COLEMAN: You said what? "To the glass"?

10 THE INTERPRETER: He was referring to the glass
11 at the door.

12 BY MS. COLEMAN:

13 Q. Can you explain what you're talking about?
14 What said "three max"?

15 A. It's the maximum amount of people that can be
16 in the room.

17 Q. According to some sign that you saw outside the
18 door?

19 A. Yes.

20 Q. And how many people were put in the cell?

21 A. Nine.

22 Q. How many people were at those two tables that
23 refused to go back to their beds?

24 A. Nine.

25 Q. And happened in that cell? Anything?

1 A. We were there for a while until an officer
2 arrived because the other people in the group and myself
3 also were asking to loosen the handcuffs because they
4 were very tight. Then the nurses arrived, and they
5 didn't want to see us because the pepper spray was still
6 very strong.

7 Q. How long did you wait for the officer to
8 arrive?

9 A. I don't know. I don't remember.

10 Q. Can you estimate?

11 A. No.

12 Q. Half an hour? an hour? two hours?

13 A. I don't remember.

14 Q. Was there a sink inside the cell?

15 A. Yes. I think in the bathroom.

16 Q. There was a bathroom in the cell?

17 A. Yes.

18 Q. Did you use the water in the sink to wash your
19 face?

20 A. No because our hands were handcuffed on our
21 back.

22 Q. When the officer arrived, did he or she loosen
23 the handcuffs?

24 A. Yes, a little bit. They loosened them a little
25 bit.

1 Q. Did they take off the handcuffs?

2 A. No.

3 Q. Did the officer do anything else?

4 A. Not for a while.

5 Q. You said the nurses didn't want to see you
6 because the pepper spray was strong?

7 A. Yes.

8 Q. Were they speaking in Spanish?

9 A. No.

10 Q. How do you know they didn't want to see you
11 because of the pepper spray?

12 A. Because when they tried to open the cell, they
13 felt the pepper spray very strong, and they went
14 backwards. They called an agent, and then they left.

15 Q. And that's what you observed even though you
16 didn't understand what they said?

17 A. Exactly.

18 Q. What happened next?

19 A. They took us to another cell, a bigger one
20 where more people could go in.

21 Q. Did they take your handcuffs off there?

22 A. No.

23 Q. What happened in the bigger cell?

24 A. The nurses arrived there, and they took our
25 blood pressure there, and they left again.

1 Q. What happened next?

2 A. And, there, they took us one by one to the
3 showers, and they threw me in hot water, and with the hot
4 water, the pain intensified more. I told them I couldn't
5 take it. I was even throwing up from the pepper gas.
6 Then they took me out, and they gave me another uniform,
7 an orange colored one, and that's where they removed the
8 handcuffs so that I could change, and then they
9 handcuffed me again, and they put me again in the cell.

10 Q. The same cell?

11 A. The same cell.

12 Q. When you were put in the shower, you were in
13 your handcuffs and your uniform?

14 THE INTERPRETER: What was that last part?

15 BY MS. COLEMAN:

16 Q. "And your uniform"?

17 A. Yes.

18 Q. Was the water hot or warm?

19 A. Hot.

20 Q. Was the uniform they gave you to change into
21 clean?

22 A. Yes.

23 Q. Did they also give you new underwear?

24 A. Yes.

25 Q. Did you have a towel to dry off with?

1 A. Yes.

2 Q. Then how long were you in that same cell with
3 the eight other people?

4 A. I don't recall.

5 Q. At some point, were you brought to another
6 cell?

7 A. Only until they took us over to segregate us.

8 Q. Once you were put in segregated housing, did
9 you have a cell with -- by yourself or with one other
10 person?

11 A. I was with another person.

12 Q. Who was that?

13 A. Mateo.

14 Q. And we've marked your medical report as an
15 exhibit too, Exhibit 6.

16 (Exhibit 6 was marked for identification
17 and is attached hereto.)

18 BY MS. COLEMAN:

19 Q. This form indicates your blood pressure was 129
20 over 81?

21 A. Mm-hmm.

22 Q. Did they take your blood pressure?

23 A. Yes.

24 Q. Did they take your temperature?

25 A. No. They only took the blood pressure, and

1 incident?

2 A. I don't recall.

3 Q. And do you know how many different officers
4 used force against you on June 12, 2017?

5 A. No.

6 Q. Did anyone explain to you that you were going
7 to be put in administrative segregation pending an
8 investigation?

9 A. The segregation officer told us that we were
10 going to be there for ten days, but they didn't say how
11 long the investigation was going to last.

12 Q. You were told you would be there for ten days?

13 A. Yes.

14 Q. Were you told why you were being put in
15 segregated housing?

16 A. No.

17 Q. Did you receive any discipline as a result of
18 the incident?

19 A. Yes.

20 Q. What was that?

21 A. Aside from the beating, they took us to
22 segregation.

23 Q. So the ten days of segregated housing?

24 A. Yes.

25 Q. Were you assigned a staff person to help you at

1 a hearing?

2 A. Which hearing?

3 Q. Did you have a hearing where they considered if
4 you were involved in inciting a group incident?

5 A. I don't remember.

6 Q. Did anyone tell you it was against the rules at
7 Adelanto to engage in or incite a group demonstration?

8 A. No.

9 Q. And you said no one told you that the incident
10 was being investigated?

11 A. Nobody told me -- I mean, nobody told me if it
12 was being investigated or not.

13 Q. Did you provide any statement?

14 A. I don't recall.

15 Q. What was the name of your attorney while you
16 were at Adelanto?

17 A. Joseph/Joe, I think. Something like that.

18 Q. Joseph?

19 A. "Joseph."

20 Q. What was his last name?

21 A. I don't remember. I think I remember it being
22 "Joe."

23 Q. How often did you speak to your attorney while
24 you were at Adelanto?

25 A. I don't remember.

1 Q. That was an immigration attorney; right?

2 A. Yes.

3 Q. Did you ever have any problem getting in touch
4 with Joseph?

5 A. I don't remember.

6 Q. Did you have any problems calling anyone?

7 A. Yes.

8 Q. Who was that?

9 A. Many people, but among them, it was Ian, Alex
10 MAN-A-SEE [PHONETIC]. I don't recall any other names.
11 Also with my mom, my brother, and my sister.

12 Q. And what was the relationship that you had with
13 Ian and Alex?

14 A. It was more than friendship because they would
15 also support us a lot from the outside. They would
16 support us.

17 Q. What was the problem you had in contacting
18 people?

19 A. They would block my numbers.

20 Q. How long were some numbers blocked?

21 A. Since the time that they blocked them, they
22 never unblocked them.

23 Q. When did they block -- when were the numbers
24 blocked?

25 A. I don't recall the dates.

1 Q. Are there any other injuries that you think
2 happened from the incident that we haven't talked about?

3 A. I don't remember.

4 Q. And have we discussed all the treatment you
5 sought for your injuries from the incident?

6 A. I don't remember.

7 Q. Do you still have any of the injuries you got
8 from the incident on June 12th, 2017?

9 A. Not physical.

10 Q. Do you have any emotional injuries?

11 A. Yes.

12 Q. What are your emotional injuries?

13 A. Many of them are, at least, for me, when I see
14 police officers in uniform, I tend to get very nervous,
15 sweat a lot, and my mind goes into thinking of the time
16 that I was detained there.

17 Q. Your mind thinks of what?

18 THE INTERPRETER: "Of the time that I was
19 detained there."

20 BY MS. COLEMAN:

21 Q. What else?

22 A. The other thing is I have nightmares regarding
23 the details.

24 Q. What are your nightmares about?

25 A. Like, when I was detained, when they gave us a

1 beating, and I wake up very startled and drenched in
2 sweat.

3 Q. Anything else?

4 A. No.

5 Q. How often do you have nightmares?

6 A. Maybe two to three times every 15 days.

7 Q. Every how often?

8 THE INTERPRETER: "15 days," one-five.

9 BY MS. COLEMAN:

10 Q. And are you able to get back to sleep
11 afterwards?

12 A. Many of the times, no. I'll lose my sleep.

13 Q. Have you gone to any doctor or therapist about
14 your emotional injuries?

15 A. No.

16 Q. In El Salvador, you said you were threatened by
17 police officers; right?

18 A. Yes.

19 Q. What kind of threats did they make to you?

20 MS. ALARCON: That's been asked and answered.

21 BY MS. COLEMAN:

22 Q. What was the answer?

23 A. It was threats towards my family and my
24 physical aspect, death threats, on behalf of the police
25 and the gangs and also with physical abuse punches.

1 A. No.

2 Q. Is that correct?

3 A. Yes.

4 Q. And you left Adelanto at the end of August
5 2017?

6 A. Yes.

7 Q. Are you working in Tijuana?

8 A. Yes.

9 Q. Where are you working?

10 A. At a hotel.

11 Q. What do you do at the hotel?

12 A. I'm the receptionist.

13 Q. At the Marriott?

14 A. No.

15 Q. You're in the Marriott right now; right?

16 A. Yes.

17 Q. Are you planning to go back to the U.S.?

18 A. Not illegally, no.

19 Q. Are you still waiting for asylum in the United
20 States?

21 A. No.

22 Q. Would you like to immigrate to the United
23 States?

24 MS. ALARCON: Objection. Asked and answered.

25 //

1 BY MS. COLEMAN:

2 Q. You can answer.

3 A. Not illegally, no.

4 Q. If you could do it legally, you would like to
5 go to the United States?

6 A. On a trip, yes.

7 Q. Not to -- you don't want to move there?

8 A. No.

9 Q. Why not?

10 A. Because not even in my country was I treated as
11 bad as they treated me in the United States. I never
12 committed any crimes. I always stayed out of trouble,
13 and there, when I got there, they treated me worse than
14 trash when all I was trying to do was start a life.

15 Q. Only trying to do what?

16 THE INTERPRETER: "To start my life."

17 BY MS. COLEMAN:

18 Q. And are you saying what happened to you at
19 Adelanto was worse than the police in El Salvador and the
20 MS13 gangs?

21 A. Yes. Of course.

22 Q. Why was it worse?

23 A. Because, there, it was physical, direct
24 aggression, and my rights were violated. When, in
25 El Salvador, it was threats, and, yes, there was some

1 A. Yes.

2 Q. Was that to the media that you mentioned
3 earlier?

4 A. Yes.

5 Q. After your release from Adelanto, did you do
6 any other interviews with media?

7 A. No.

8 Q. Have you made any news reports about Adelanto
9 other than being interviewed?

10 THE INTERPRETER: Counsel, you know what, I'm
11 sorry. Can you repeat the question?

12 BY MS. COLEMAN:

13 Q. You mentioned, earlier, being -- I think you
14 used the word live news or live reporting; right?

15 A. Yes.

16 Q. Have you done any live news or live reporting
17 about Adelanto?

18 A. No.

19 Q. Live journalism?

20 A. No.

21 Q. Do you have any hobbies?

22 A. Yes.

23 Q. What are they?

24 A. Music.

25 Q. Do you play music or listen to music?

1 A. I'm a DJ. I like it.

2 Q. And you do that for yourself or for work in
3 Tijuana?

4 A. It's a hobby.

5 Q. Is there any other activities that you like to
6 do?

7 A. No.

8 Q. Are there any hobbies or activities you could
9 do before the incident that you can't do anymore?

10 A. Yes.

11 Q. What?

12 A. Being able to walk or drive peacefully without
13 having fear of the police. Even though I know I'm not
14 doing anything wrong, but just by looking at them, I'm
15 already very nervous, and, obviously, when a police
16 officer sees someone very nervous, it's going to get
17 their attention.

18 Q. The officers at Adelanto, they're not police
19 officers, are they?

20 A. Of course, but we're talking about people that
21 represent the law.

22 Q. And the -- when the police officers threatened
23 you in El Salvador and hit you, that didn't make you
24 nervous about other officers?

25 A. No. In fact, I had an experience in Mexico in

1 Isn't it true that at no time after the nurse
2 checked your vital signs that you sought any further
3 treatment for the effects of the pepper spray?

4 A. Okay. The vital signs, I don't recall. I
5 remember that she took my blood pressure.

6 Q. Okay. Let me rephrase then.

7 At no time -- isn't it true that at no time
8 after you spoke with the nurse on the day of the incident
9 that you sought any further treatment for the effects of
10 the pepper spray?

11 MS. ALARCON: Objection. Vague and ambiguous.

12 THE WITNESS: Up until what I recall, I asked
13 them over and over to give us an ointment for the burning
14 that I felt from the pepper spray. I can't give you
15 exact dates and whether it was after or during
16 segregation because I don't remember.

17 BY MS. TISHKOFF:

18 Q. Who did you ask?

19 A. To the agents and to the nurse when they took
20 us and we were still drenched in pepper spray when she
21 took our blood pressure.

22 Q. Okay. So my question was, after that time,
23 after the time that you spoke with the nurse and you were
24 drenched in pepper spray, you never sought any other
25 treatment for the effects of the pepper spray; isn't that

1 questions?

2 MS. ALARCON: Yes. Okay. Just a few.

3

4

EXAMINATION

5

6 BY MS. ALARCON:

7 Q. Isaac, when you gave the letter to the officer
8 informing him of the hunger strike inside the tables,
9 were you intending to cause a disruption?

10 A. No.

11 MS. COLEMAN: Objection; vague; lack of
12 foundation; calls for speculation.

13 BY MS. ALARCON:

14 Q. Did you just want to talk to someone in charge?

15 A. Yes.

16 Q. When the group of officers, including the
17 supervisor, arrived at the table you were at, did anyone
18 explain that they would bring someone to talk to you
19 about your complaints?

20 A. No.

21 Q. Do you remember that you testified earlier that
22 an officer told the group, "You don't want to do this"?

23 A. What was the question?

24 Q. Do you remember testifying earlier today that
25 an officer told the nine of you, "You don't want to do

1 this"?

2 A. Yes.

3 Q. And do you remember that you testified earlier
4 today that you tried to explain what you were doing in
5 that moment?

6 A. Yes.

7 Q. And what was that?

8 MS. TISHKOFF: I'm sorry. Can I have that
9 whole question and answer back, please.

10 (The record was read by the Court
11 Reporter as follows:

12 "Q And do you remember that you
13 testified earlier today that you tried to
14 explain what you were doing in that
15 moment?

16 "A Yes.")

17 MS. TISHKOFF: Okay. Thank you.

18 BY MS. ALARCON:

19 Q. And what was that?

20 A. I wanted to explain to them that we were
21 starting a hunger strike and that we wanted to speak to
22 an ICE agent and with the person in charge of the GEO
23 group and that it was a peaceful strike.

24 Q. And did that officer say anything further to
25 you?

1 A. No. He only said that he didn't want to hear
2 anything. He turned, and he left.

3 Q. At that moment, did the supervisor have her
4 pepper spray can out?

5 A. Since she got there, she had it in her hand.

6 Q. And all of the officers were still surrounding
7 you?

8 A. All of us.

9 Q. They surrounded all of you?

10 A. Yes.

11 Q. Did you feel like you could get up and return
12 to your bed in that moment?

13 A. No.

14 Q. And why is that?

15 A. I felt that if I made any movement I was going
16 to provoke everyone to jump on me like if I had provoked
17 violence, and the last thing we wanted to do was provoke
18 violence because it was something peaceful.

19 MS. ALARCON: I have no more questions.

20 MS. COLEMAN: Can we do the same stipulation or
21 do we need to spell it out?

22 THE WITNESS: Same stipulation is fine.

23 MS. COLEMAN: Do we have the same court
24 reporter as we had before?

25 MS. ALARCON: Yes.

EXHIBIT 25

ORIGINAL

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

OMAR ARNOLDO RIVERA MARTINEZ;)
ISAAC ANTONIO LOPEZ CASTILLO;)
JOSUE VLADIMIR CORTEZ DIAZ;)
JOSUE MATEO LEMUS CAMPOS;)
MARVIN JOSUE GRANDE)
RODRIGUEZ; ALEXANDER ANTONIO)
BURGOS MEJIA; LUIS PENA)
GARCIA; JULIO CESAR BARAHONA)
CORNEJO, as individuals)

Plaintiffs,)

vs.)

THE GEO GROUP, Inc., a)
Florida corporation; the)
CITY OF ADELANTO, a municipal)
entity; GEO LIEUTENANT DURAN,)
sued in her individual)
capacity; GEO LIEUTENANT)
DIAZ, sued in her individual)
capacity; GEO SERGEANT)
CAMPOS, sued in his)
individual capacity; SARAH)
JONES, sued in her individual)
capacity; THE UNITED STATES)
OF AMERICA, and DOES 1-10,)
individuals,)

Defendants.)

CASE NO.
5:18-cv-01125-R-GJS

DEPOSITION OF JULIO CESAR BARAHONA CORNEJO

TAKEN ON

MONDAY, JUNE 10, 2019 **NORMAN SCHALL & ASSOCIATES**
CERTIFIED SHORTHAND REPORTERS

REPORTED BY:

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1 charge of the place, and that we wanted to explain
2 everything that was going on in the detention center.

3 Q. What was the biggest thing that you wanted to
4 talk about?

5 A. Well, the main thing was -- I believe it was
6 the bail, and also because there was some of those
7 officers there that were not treating us well.

8 Q. And how were the officers not treating you
9 well?

10 A. That sometimes some of them, we would ask them
11 for something, and then they would tell us that they did
12 not speak Spanish. And maybe later on, we would see
13 someone else coming to them speaking Spanish. Then they
14 would answer them in Spanish, and yes, they would make
15 us feel bad because of the fact that, yes, we did not
16 speak any English.

17 Q. Any other mistreatment from the officers?

18 A. Just the issue with the pepper spray on the day
19 of the incident.

20 Q. Do you have any problems with church services
21 at Adelanto?

22 A. No.

23 MS. STROTTMAN: I'll mark this as Exhibit 3.

24 //

25 //

1 BY MS. STROTTMAN:

2 Q. Do you allege that on June 12th, 2017, you went
3 on a hunger strike?

4 A. Yes, we did. We went into a hunger strike.

5 Q. Was June 12 the first day of that strike?

6 A. Yes.

7 Q. Whose idea was the hunger strike?

8 A. We all participated.

9 Q. But do you remember whose idea it was?

10 A. No.

11 Q. What was your goal for the hunger strike?

12 A. That they would listen to us or hear us out;
13 that they would have a solution in regards to the
14 problems that we were facing. But at no time our
15 intention was to do it by force. We just wanted to
16 speak and we wanted to be heard; that's all.

17 Q. Was this your first hunger strike?

18 A. Yes.

19 Q. Do you know if anyone else in the group had
20 participated in one before?

21 A. No, I don't know.

22 Q. So when you went to breakfast that morning, did
23 you take a tray of food?

24 A. No, I don't remember having taken one.

25 Q. Did you tell anyone that you were going on a

1 your strike?

2 A. No, no, because it was a personal decision.

3 The ones that wanted to participate could -- could
4 participate and the ones that didn't, they didn't have
5 to.

6 Q. But did you ever try to inform more people that
7 you were going on a hunger strike?

8 A. Some of them knew, but like I said, it was a
9 personal decision.

10 Q. How long were you planning not to eat?

11 A. It wasn't something that we planned. It was --
12 we were just going day by day. Our main objective more
13 than anything was to be heard. I believe it was our
14 main objective in regards to the strike.

15 Q. Why did you decide to stay at the tables
16 instead of go back to your bed?

17 A. We wanted -- we wanted them to give us
18 attention so that we could explain to them the issues.

19 Q. Typically after breakfast, how much time do you
20 have before you go back to your bed for count?

21 A. I don't know the specific time. I wouldn't be
22 able to tell you.

23 Q. But you knew after breakfast you were supposed
24 to go back to your bed for count?

25 MS. SWEETSER: Objection, lacks foundation.

1 what we would do.

2 Q. When you stayed at the table after breakfast,
3 do you know what the other inmates were doing?

4 A. No, I was just sitting -- was just sitting at
5 the table. I wasn't looking at to see -- or looking to
6 see what the other ones were doing.

7 Q. Typically could you stay at the breakfast table
8 after breakfast?

9 A. No, I don't remember.

10 Q. Did you -- the day of June 12th, did you think
11 that you could keep sitting at the table after
12 breakfast?

13 A. No, I -- I don't know.

14 Q. Was there anyone else in your group
15 participating in the strike who spoke English?

16 A. No. Marvin Grande, he understood, but it was
17 just a little bit.

18 Q. Did anybody give you a verbal order to go back
19 to your bunk?

20 A. Verbal like how?

21 Q. Did any officer tell you to go back to your
22 bunk?

23 A. A lady that got there, she -- she did not speak
24 Spanish. We -- we would just hear that she would keep
25 talking in English, but I wouldn't be able to tell you

1 what she was saying.

2 Q. Before that woman came over, did -- did anyone
3 else tell you that you needed to go back to your bunk?

4 A. As far as the officers, no, because the one
5 that was there did not speak Spanish.

6 Q. But you knew by sitting there that you were
7 trying to get the officer's attention; is that correct?

8 A. We wanted to talk to them.

9 Q. Did you understand that you could be punished
10 for staying at the tables?

11 A. I don't know.

12 MS. SWEETSER: Would this be a good time for a
13 break?

14 MS. STROTTMAN: Sure.

15 (A discussion was held off the record;
16 thereafter a lunch recess was taken and
17 the proceedings resumed at 1:39 p.m.)

18 MS. STROTTMAN: Okay.

19 BY MS. STROTTMAN:

20 Q. So I'm going to play the video of the incident,
21 and I'm going to pause it at certain points to see if
22 you can help identify some individuals in the video. So
23 you can just give your -- if you can identify someone,
24 just let me know, and if you can't, you can just let me
25 know.

1 if you did not go back to your bunks?

2 MS. SWEETSER: Same objection.

3 THE WITNESS: I don't know. I did not know.

4 BY MS. STROTTMAN:

5 Q. Okay. Did you tell anyone else that you were
6 nervous?

7 A. No.

8 Q. Did anyone else express any concerns about
9 participating in the hunger strike?

10 A. Well, I don't know because each one felt his
11 own thing. I don't know what they were feeling.

12 Q. Why did you decide to go on a hunger strike
13 other than just giving them this list?

14 MS. SWEETSER: Objection, asked and answered.

15 BY MS. STROTTMAN:

16 Q. You can answer.

17 A. Well, I told you two times.

18 Q. What was -- what was your answer, then?

19 A. (Witness laughs.)

20 Would you ask the question again?

21 Q. I said why did you go on a hunger strike rather
22 than just give them this list?

23 A. Because I wanted to speak to somebody in
24 regards to everything that was happening so there will
25 be a solution.

1 Q. Couldn't you have just asked to speak with
2 someone without going on a hunger strike?

3 A. No, because they would not mind us.

4 Q. Had you tried to specifically speak to them
5 before about these issues?

6 MS. SWEETSER: Objection, vague as to "you."

7 THE WITNESS: Will you specify?

8 BY MS. STROTTMAN:

9 Q. What do you need specification on?

10 A. To talk about everything that was happening or
11 what?

12 Q. The things on the list.

13 A. Well, that in regards to the list, we put it
14 together the night before, and the next day, we gave
15 it -- we delivered it.

16 Q. So my question is: Why didn't you just deliver
17 the list? Why did you also feel that you needed to go
18 on a hunger strike?

19 A. Because if we didn't, then it -- if we did not
20 do that, then they would not give us any importance.

21 Q. So you wanted to get their attention?

22 A. Not the attention, but we just wanted to speak
23 to someone that would really listen to us, not an
24 officer because the officers would not take any
25 importance to what we would tell them.

1 Q. Could you have just asked to speak to someone
2 other than an officer?

3 A. Like I said, they would not make that
4 important.

5 Q. Did you feel that you needed to cause a
6 disruption to get someone's attention?

7 MS. SWEETSER: Objection.

8 THE INTERPRETER: This is the interpreter. May
9 I take a minute to look for a word?

10 MS. STROTTMAN: Yeah.

11 (There was a pause in the proceedings.)

12 THE INTERPRETER: Okay.

13 MS. SWEETSER: Objection, argumentative.

14 BY MS. STROTTMAN:

15 Q. You can answer.

16 A. No, we were not causing any problems.

17 Q. Okay. So I'm going to keep playing this video.
18 Now this is -- let's see. Let me keep looking.
19 At 6:22:50, was -- do you remember Isaac
20 talking back to the table?

21 THE INTERPRETER: This is the interpreter.
22 Isaac walking back?

23 MS. STROTTMAN: Talking, speaking to them at
24 the table.

25 THE WITNESS: No, I don't remember.

1 A. Yes.

2 Q. Did you understand anything that she was
3 saying?

4 A. No.

5 Q. Did anyone try to translate what she was saying
6 to you?

7 A. I don't remember because...

8 Q. Because why?

9 A. Because everything happened so quick, I don't
10 remember if someone spoke Spanish. It happened fast.

11 Q. During this time, do you recall if the inmates
12 who were by their bunks were saying anything?

13 A. At that point, not yet.

14 Q. Did they say anything at any point after that?

15 A. Yes, when they threw the pepper gas.

16 Q. When the officer in the white shirt came out,
17 did you think about going back to your bunk?

18 A. No.

19 Q. Why not?

20 A. Because I wanted to speak to somebody.

21 Q. You wanted to speak to ICE; is that correct?

22 MS. SWEETSER: Objection. Objection, misstates
23 testimony.

24 THE WITNESS: I'm sorry?
25

1 BY MS. STROTTMAN:

2 Q. You wanted to speak to ICE; is that correct?

3 MS. SWEETSER: Same objection.

4 THE WITNESS: I never -- at no time did I say
5 that.

6 BY MS. STROTTMAN:

7 Q. Who did you want to speak to?

8 A. With someone who could help us with everything
9 that was happening.

10 Q. Did you have anyone particular in mind?

11 A. Someone -- a person whom we could speak to, a
12 sergeant. I don't know.

13 Q. There were other officers who came to the
14 table; is that correct?

15 A. Yes, more arrived.

16 Q. Do you remember what they said?

17 A. No, no.

18 Q. When the officers arrived at the table, did any
19 of the other detainees say anything to the officers?

20 A. No. As far as I remember, no.

21 Q. Did you all say anything to each other when the
22 officers came?

23 A. I don't remember.

24 Q. So what was going through your head when the
25 officers came to the table?

1 A. Well, more than anything, I was nervous.

2 Q. Do you know if anyone asked for an interpreter?

3 A. No, I don't remember.

4 (Video being played.)

5 MS. STROTTMAN: Okay. I'm going to
6 fast-forward this video.

7 (Video being played.)

8 BY MS. STROTTMAN:

9 Q. So when the officer in the white shirt came
10 out, were you just waiting for someone to come speak to
11 you about your list?

12 A. Yes.

13 (Video being played.)

14 BY MS. STROTTMAN:

15 Q. Do you know if anyone tried to explain to the
16 officers that you were participating in a hunger strike?

17 A. I don't remember.

18 (Video being played.)

19 BY MS. STROTTMAN:

20 Q. So it is now 6:38 a.m. Is it accurate that you
21 started holding hands at this point?

22 A. Because we saw that the other mate -- the other
23 mates started to yell.

24 MS. TISHKOFF: I'm sorry, started to what?

25 THE INTERPRETER: To yell.

1 MS. TISHKOFF: Thank you.

2 BY MS. STROTTMAN:

3 Q. Are you talking about the inmates sitting at
4 the other table or in other parts of the dorm?

5 A. Another table.

6 Q. What were they starting to yell?

7 A. Yelling from pain.

8 Q. Did you know what was going on?

9 A. No, no.

10 Q. So why did you -- why did you join hands with
11 other persons instead of leaving the area?

12 A. Because I was able to hear the noise, like they
13 were going like this, like -- like they were pulling,
14 like this (indicating), and I heard stomping on the
15 floor, and while those noises were going on, they were
16 making the noise like if something were hurting.

17 Q. So what made you stay at the table rather than
18 try to leave the area?

19 A. Well, we were waiting to speak.

20 Q. But were you afraid that if you stayed at the
21 table, something could happen to you?

22 A. I was afraid that I would get deported.

23 Q. If you stayed at the table?

24 A. Yes, that I would be punished.

25 Q. So why didn't you try to go back to your bed at

1 Q. Had you ever done anything like a protest
2 before?

3 A. Where?

4 Q. Okay. We'll start with at Adelanto.

5 A. As far as I remember, no.

6 Q. Okay. Before you came to Adelanto, had you
7 ever participated in a protest before?

8 A. No.

9 (Video being played.)

10 BY MS. STROTTMAN:

11 Q. Did anyone tell the officers that you wanted to
12 speak to a superior at this point?

13 A. I don't remember.

14 (Video being played.)

15 BY MS. STROTTMAN:

16 Q. Okay. We are at 6:42 a.m. And there's an
17 officer who's standing to your right.

18 Do you remember if he tried to say anything to
19 you?

20 A. No, I don't remember.

21 Q. Were the officers trying to pull you apart?

22 A. Yes, they were pulling us from the hands.

23 (Video being played.)

24 BY MS. STROTTMAN:

25 Q. And as they were pulling for you -- you from

1 your hands, why -- do you know why they were doing that?

2 A. No, I don't know.

3 Q. Did you think about unlocking your hands?

4 A. No, no.

5 Q. Did you feel like you were disobeying their
6 orders at this point?

7 MS. SWEETSER: Objection, that assumes facts
8 not in evidence that there were orders.

9 BY MS. STROTTMAN:

10 Q. You can answer.

11 A. Will you be more specific as to the question?

12 Q. Did you feel like you were disobeying the
13 officers?

14 A. No, I don't know.

15 (Video being played.)

16 BY MS. STROTTMAN:

17 Q. Okay. So we are at 6:43 and 55 seconds.

18 Do you recall officers trying to remove someone
19 from the -- the table that you were sitting at?

20 A. I don't know because I don't know the time that
21 that was.

22 Q. Okay. Did you believe that they were trying to
23 remove you from sitting at the table?

24 A. I don't know.

25 (Video being played.)

1 THE WITNESS: May I take a break?

2 MS. STROTTMAN: Yeah.

3 (Recess taken.)

4 MS. STROTTMAN: Ready?

5 THE REPORTER: Yes.

6 BY MS. STROTTMAN:

7 Q. So you had said before when the officers first
8 used pepper spray, the other inmates were yelling; is
9 that correct?

10 A. Yes, they were telling them to stop.

11 Q. And after the inmates from the other table were
12 removed, did the inmates continue to yell anything?

13 A. No, I don't remember how much they yelled.

14 Q. Okay. It's hard to tell from the video so I'm
15 asking you what you remember.

16 Did you ever like lay on the table or like move
17 up your whole body onto the table?

18 A. Yes.

19 Q. Okay. And why did you do that?

20 A. Because the gas that --

21 THE INTERPRETER: Correction, interpreter's
22 correction.

23 THE WITNESS: The pepper spray was going on our
24 heads, and it was blocking our breathing. And we felt
25 like a very weird agony because we were not able to

1 BY MS. STROTTMAN:

2 Q. So I'm pausing at 6:46 a.m.

3 Does this look like when they removed you from
4 the table?

5 MS. SWEETSER: Objection, vague as to remove.

6 (Video being played.)

7 BY MS. STROTTMAN:

8 Q. And we are at 6:46 and 51 seconds.

9 Is that you sitting at the table there?

10 A. Yes.

11 Q. So were you sprayed by pepper spray?

12 A. Yes.

13 Q. Do you know who sprayed you?

14 A. Well, I don't know. I was like this
15 (indicating) with my eyes shut.

16 Q. Okay.

17 Did they give you any -- did the officers say
18 anything before the pepper spray at 6:46 a.m.?

19 A. I don't remember.

20 Q. When they were trying to remove you from the
21 table, were you resisting them?

22 A. No. I was like this (indicating) the entire
23 time. At no time did I raise my hands to try to hit
24 them or anything.

25 MS. SWEETSER: For the record, he's indicating

1 that he had his head down.

2 BY MS. STROTTMAN:

3 Q. But when they tried to remove you from the
4 table, you tried to stay there; is that correct?

5 A. I just remained calm.

6 Q. But you --

7 THE INTERPRETER: Interpreter correction. I'm
8 sorry.

9 MS. STROTTMAN: Yeah.

10 THE INTERPRETER: This is the interpreter's
11 correction: I just remained still.

12 BY MS. STROTTMAN:

13 Q. Okay. But when you -- or when they tried to
14 remove you from the table, you did not go with the
15 officers; is that correct?

16 A. I remained sitting.

17 (Video being played.)

18 BY MS. STROTTMAN:

19 Q. So we're at 6:47 a.m.

20 Did you fall to the ground at any point in
21 time?

22 A. Yes.

23 Q. Okay. What happened while you were on the
24 ground?

25 A. When they were pulling me, when I first was

1 sitting, they were hitting me with the edge of the
2 table, my abdomen part, and when they threw me down,
3 they were also hitting me with -- there was also an edge
4 of the table, and it made me bleed in the abdomen area.

5 And when I fell there, I hit my knee and my
6 shoulders because I fell like this (indicating) without
7 putting my hands.

8 I just remember that they pulled -- put my
9 hands back like this (indicating), and they handcuffed
10 me. And then later on, they were pulling me like this
11 (indicating).

12 They were taking me like this (indicating) with
13 my hands in the back. And I remember that some were
14 taking me from the feet and some from the hands.

15 Q. You said that you were bleeding in the abdomen
16 area?

17 A. Yes.

18 Q. Can -- did you notice right away that you were
19 bleeding?

20 A. No, until later on.

21 Q. Do you know how you started bleeding?

22 A. No, because I was feeling different pain in
23 different areas that I wasn't focusing in one specific
24 area.

25 Q. So you said you hit your knee on the ground; is

1 that correct?

2 A. Yes.

3 Q. Do you know which knee it was?

4 A. The left one, this (indicating) one, the left
5 one.

6 Q. And do you know which shoulder you hit?

7 A. No, I'm not sure.

8 Q. Okay.

9 So you indicated you had injury to your
10 abdomen, left knee, and shoulder?

11 A. Yes.

12 Q. Any other injuries while you were from -- while
13 you were at the table?

14 A. The handcuffs, my wrists. They left them very
15 tight and it was hurting this bone (indicating) here.

16 Q. Any other injuries?

17 A. No.

18 MS. SWEETSER: Can we take a quick break?

19 MS. STROTTMAN: Can I just have a -- one
20 follow-up question and then break.

21 MS. SWEETSER: Sure.

22 BY MS. STROTTMAN:

23 Q. Did you tell anyone that your handcuffs were
24 too tight?

25 A. Until afterwards when they took us to our room.

1 A. I don't know.

2 Q. Where did they take you after that?

3 A. To a room.

4 Q. And what happened in that room?

5 A. They kept us for a little bit in that room, and
6 I remember that because there was much pain and we were
7 all screaming and yelling and crying because we couldn't
8 bear the burning pain from the pepper spray and the
9 agony that I was feeling that I wasn't able to breathe.

10 And I remember that I was yelling for
11 something, that they would give me something for the
12 pain, and I remember that my mates were telling me to
13 calm down.

14 And also a nurse arrived, and I remember that
15 she put something like -- she put something, and when
16 she did it started going beep, beep, beep, beep. And
17 everybody -- everybody was telling me calm down, calm
18 down.

19 And then she would grab me like telling me to
20 calm down, and I couldn't because the pain that I was
21 feeling was so intense, it -- I felt anguish. I was
22 trying to contain what I was feeling, but the pain that
23 I was feeling was a lot of pain. I've never felt that
24 pain.

25 And I was only saying to just help me, that I

1 couldn't bear the pain, and they did not give me
2 anything to calm or lower the pain.

3 I remember that I was told to take a shower,
4 that that was going to calm down the pain, and I
5 remember that someone took me and they put me like in
6 the shower.

7 But at the -- at the moment when I was
8 showering, because they put me in like this, my head in
9 like this (indicating), where the -- where the
10 showerhead was, and I was telling them to stop because
11 only my head was in like this (indicating) and I was
12 having a hard time breathing.

13 And he wouldn't stop from keeping my head in
14 like this (indicating), and I felt the water very hot.

15 And the pain that I was feeling at the very
16 beginning, when the -- I felt it even stronger, double
17 as much the pain when the water was coming down.

18 And I remember that when he took me back to the
19 room again, I -- I was -- I remember that there was a
20 bench, and I was bending down from the pain. I couldn't
21 bear it. And everybody, they were telling me calm down,
22 calm down, calm down; it's going to pass. But I
23 couldn't because it was too much pain, what I was
24 feeling.

25 Q. So you were examined by the nurse in the small

1 how long were you in the room for?

2 A. No, I don't know.

3 Q. Do you know approximately?

4 A. I wouldn't be able to tell you.

5 Q. Do you recall what happened after you took a
6 shower?

7 A. I remember that I was taken back to the room
8 again.

9 Q. Did you tell the officer that the shower was
10 too hot?

11 A. Yes.

12 Q. Did they do anything?

13 A. No.

14 Q. How long were you in the shower for?

15 A. I wouldn't be able to tell you the time.

16 Q. Was there any -- were there any other detainees
17 with you in the shower?

18 A. No.

19 Q. Did you lose consciousness at any time in the
20 shower?

21 A. No.

22 Q. Did you see the officers take anyone else into
23 the shower?

24 A. No, I -- I wasn't able to see.

25 Q. You said people were telling you to calm down

1 when you were in the small room?

2 A. Yes.

3 Q. Were those other detainees?

4 A. The same mates, the same mates that were
5 also -- that were also punished, the ones that -- with
6 the strike.

7 Q. After you were in the shower this time, do you
8 remember how many days until you took your next shower?

9 A. Oh, I don't remember how many.

10 Q. Did you avoid the shower after this incident?

11 A. Yes, because of the pain.

12 Q. But you don't recall how many days you avoided
13 the shower for?

14 A. Specifically, I don't know how many days.

15 Q. Other than the nurse who examined you, were you
16 examined by any other medical staff after this incident?

17 A. No, I don't remember.

18 Q. So after you were brought back into the small
19 room, what happened after that?

20 A. A man came, I remember with the white shirt.
21 He was asking -- I don't know what he was asking another
22 officer, but it was in English. That's what I remember.

23 Q. Did they take you anywhere else after that, or
24 where did they take you after the small room?

25 A. They took me to -- there was another where they

1 would put the -- where they would store clothes because
2 my clothes was -- had the pepper spray all over it, and
3 they gave me another one so that I wouldn't be wearing
4 the one with the pepper spray.

5 Q. Did they give you a full new uniform?

6 A. I don't remember if it was full -- the full
7 one.

8 Q. Were there any other detainees with you at this
9 point?

10 A. Always the same ones, the ones that had gone in
11 with the strike.

12 Q. And did the other detainees get new clothes?

13 A. I'm not sure.

14 Q. After you got the new clothes, where did they
15 take you after that?

16 A. They took me to another room, another room
17 nearby.

18 Q. What happened in that other room?

19 A. A man came over to ask us what happened.

20 Q. And was he speaking in Spanish?

21 A. I don't remember.

22 Q. Did you describe what happened?

23 A. Yes.

24 Q. What did you tell him?

25 A. Where it was hurting.

1 Q. How long were you in this room?

2 A. I don't -- I don't remember the days.

3 Q. Are you referring to the administrative
4 segregation?

5 A. They would call it the hole. I heard that they
6 were calling it that way, and they were saying that it
7 was the punishment area.

8 Q. So when you were in the area called the hole,
9 would officers come check on you?

10 A. They would -- some would pass by, but they were
11 not checking in regards to my pain.

12 Q. Did you ever yell out for any help when you
13 were in there?

14 A. Yes.

15 Q. What would happen?

16 A. Nothing. They would just say -- I would ask
17 them to give me some kind of cream for the pain, but
18 they never would take me anywhere.

19 Q. Did you have a disciplinary hearing?

20 A. I don't remember.

21 Q. Other than being in a separate housing unit,
22 did you have any other restrictions on you?

23 MS. SWEETSER: Objection, vague.

24 THE WITNESS: Would you specify?
25

1 BY MS. STROTTMAN:

2 Q. Did you lose any privileges while you were in
3 the hole?

4 A. I don't remember.

5 Q. Do you remember talking to a Officer Duran?

6 A. I don't remember the names.

7 Q. Okay. Do you remember talking to an officer
8 about the incident to determine whether you should be
9 punished or not?

10 A. A lady passed by. I remember she passed by,
11 but I don't remember the name.

12 Q. Did you speak to her?

13 A. Yes.

14 Q. And what did you talk to her about?

15 A. In regards to that they had sprayed us on the
16 body.

17 Q. What did she say to you?

18 A. That they were investigating to see if they
19 would punish us.

20 Q. While you were in the hole, did you speak to
21 any of the other detainees?

22 A. Only with Vladi. It was along with him there.

23 Q. And what did you talk about?

24 A. Nothing, just things that had happened in our
25 lives to have time pass.

1 Q. Do you remember talking to any officers about
2 your bond being too high while you were in the hole?

3 A. Yes, I remember I told.

4 MS. STROTTMAN: I'm going to mark this as
5 Exhibit --

6 (A discussion was held off the record.)

7 MS. STROTTMAN: This is Exhibit 4.

8 (Deposition Exhibit 4 was marked for
9 identification and is attached
10 hereto.)

11 BY MS. STROTTMAN:

12 Q. Do you recall receiving this document, which is
13 labeled 2431 and 2432?

14 A. No, I don't remember.

15 Q. On the second page, is that your signature on
16 the second page?

17 A. Yes.

18 Q. Is it possible that you received this document
19 which explains your rights at a disciplinary hearing?

20 A. Would you repeat the question?

21 Q. Is it possible that you received this document?

22 A. No, I don't know.

23 Q. Do you have any reason to believe that the
24 signature on the second page is not yours?

25 A. No, it is mine.

1 Q. Okay. And so this document has instructions in
2 Spanish; is that correct?

3 A. Yes, it is my signature, but honestly, I don't
4 remember that they -- the day when they gave me. This I
5 wouldn't be able to tell you.

6 Q. Do you remember a hearing in front of officers
7 where they were determining whether or not you would be
8 punished or not?

9 A. It's just that I don't remember about that.

10 Q. Do you remember receiving punishment for being
11 part of your protest on June 12th, 2017?

12 A. Will you ask the question again.

13 MS. STROTTMAN: Sorry, could you repeat the
14 question.

15 (Record read as follows:

16 "Do you remember receiving
17 punishment for being part of your
18 protest on June 12th, 2017?")

19 THE WITNESS: I was in a room that was isolated
20 from many of the other people.

21 BY MS. STROTTMAN:

22 Q. And you don't remember how long you were in
23 this room?

24 A. No, I wouldn't able to tell you.

25 Q. But after you were in this isolation room, you

1 Q. Did the officer tell you that individually or
2 did he tell you that in a group?

3 A. In a group, the group that were on the strike.

4 Q. Did you have an immigration attorney while you
5 were at Adelanto?

6 A. Yes.

7 Q. What was your attorney's name?

8 A. Mona Lisa, but the last name is very
9 complicated.

10 Q. Any other attorneys?

11 A. Just her.

12 Q. Was she appointed by the court?

13 A. Yes, she -- she took my case.

14 Q. How frequently did you speak to your attorney?

15 A. I wouldn't be able to tell you how often.

16 Q. Prior to the incident, did you ever have
17 difficulty getting ahold of Mona Lisa?

18 A. With some certain phone numbers, I wasn't able
19 to make the call. They would get blocked.

20 Q. So this is before the incident?

21 A. No, after the incident.

22 Q. So what numbers do you claim were blocked after
23 the incident?

24 A. Some of -- that were some friends.

25 Q. Do you remember which friends' names?

1 A. One that was called -- his name was Alex.

2 Q. Did Alex live in the United States?

3 A. Yes.

4 Q. And what were you calling him about?

5 A. Well, more than anything, something that had to
6 do with food. We didn't have money to eat because I
7 didn't have family that could help me.

8 Q. Is that Alex Mensing?

9 A. Yes.

10 Q. Okay. And was he your immigration attorney?

11 A. No.

12 Q. Do you recall responding to discovery in this
13 case?

14 A. Would you be more specific? Because I didn't
15 understand the question.

16 Q. Did you get written questions -- do you
17 remember responding to written questions in this case?

18 A. On what date?

19 Q. In February of this year.

20 A. And I answer those questions for who?

21 Q. The -- our office sent out questions.

22 MS. SWEETSER: Can we go off the record for one
23 second.

24 (A discussion was held off the record.)

25 MS. STROTTMAN: Okay. We can go back on the

1 A. I don't remember.

2 Q. And anyone else you had issues trying to call?

3 A. I don't remember who else.

4 Q. Do you remember what dates you believe your
5 phone calls were blocked?

6 A. No, no, I don't remember.

7 Q. Okay.

8 Can you explain to me why you thought the phone
9 numbers were blocked?

10 A. Because an operator would answer, and then
11 after that, I couldn't hear anything else.

12 Q. And you never had this problem before the
13 incident?

14 A. No, I don't remember having -- having it.

15 Q. Were you using the same set of phones that you
16 used prior to the incident?

17 A. No, because I was in another room.

18 Q. Were you able to call anyone after the
19 incident?

20 A. I'm sorry?

21 Q. Were you able to call anyone after the
22 incident?

23 A. No, some -- some of them, no.

24 Q. Some of them, no, what does that mean?

25 A. That -- that some of them -- the one that I

1 remember the most is Alex. That's what I'm saying.

2 Q. Okay. But were you able to reach -- were you
3 able to reach anyone else after the incident?

4 A. Yes, I spoke to some -- to other people.

5 Q. Do you recall who you were able to speak to?

6 A. With my wife.

7 Q. How did you know Alex?

8 A. Through Vladi.

9 Q. Was Alex part of an immigration group?

10 A. No, he helps immigrant people.

11 Q. Who's -- do you know what -- if he works for an
12 organization that helps immigrants?

13 A. Uh-huh, *Pueblos sin Fronteras*.

14 Q. And who's Esther?

15 A. She's also a friend.

16 Q. How did you meet Esther?

17 A. Through Alex.

18 Q. Is she who you consider a sponsor?

19 A. Uh, a friend, yes.

20 Q. Have you ever met her in person?

21 A. Yes.

22 Q. Did you know her before you came to Adelanto?

23 A. No.

24 Q. How many times did you meet Esther in person?

25 A. Many times.

1 Q. Did she visit you after the incident?

2 A. I don't remember.

3 Q. Did you meet Alex in person after this
4 incident?

5 A. Yes, once I was out, I would see him.

6 Q. But while you were in Adelanto after the
7 incident, did you see him?

8 A. I don't remember. I did see him, but I don't
9 remember if it was before the incident or after the
10 incident.

11 Q. So other than your wife, were you able to speak
12 with anyone?

13 A. I don't remember if I did with anyone else.

14 Q. Did you speak to your wife about this incident?

15 A. I don't remember.

16 Q. You didn't tell your wife or you don't recall
17 if you told your wife that you were pepper-sprayed?

18 A. No, I don't remember.

19 Q. Did you tell any other family or friends that
20 you had been pepper-sprayed?

21 A. Alex.

22 Q. Okay. And what did you tell Alex?

23 A. That they had pepper-sprayed us.

24 Q. Did you tell him what led to the pepper spray?

25 A. No, I don't remember everything I told him.

1 Q. When you were having -- when you claim you were
2 having issues with the phone, did you file a complaint
3 with the facility?

4 A. I don't remember if I filed it.

5 Q. Were you ever able to speak to Alex on the
6 phone after the incident?

7 A. I don't remember.

8 Q. How much longer were you at Adelanto after the
9 incident?

10 A. No, I don't know.

11 Q. Did you continue to have problems with your
12 phone the entire time until you left?

13 A. Yes.

14 Q. You have to use a code before you make calls;
15 is that correct?

16 A. Yes.

17 Q. Did you ever ask for a new code?

18 A. No, I don't remember.

19 Q. Do you remember doing anything to fix the --
20 fix this problem?

21 A. I don't remember.

22 Q. How frequently did you speak to your wife
23 before the incident on the phone?

24 A. When I was there, she was still detained.

25 Q. Okay. But you spoke to her. Is it correct

1 Q. How frequently do you have knee injury -- or
2 like issues with your knee?

3 A. More than anything in the morning, when it's
4 very cold, and when I go to the store, it hurts.

5 Q. Are you claiming any emotional injuries in this
6 case?

7 A. Yes, because what I lived there, I will never
8 forget. I will never forget seeing the faces of my
9 friends, seeing them crying, and that they put pepper
10 spray on me. I had never lived that, not even in my
11 country. All of that, I don't know how I feel whenever
12 I think back of that moment.

13 To remember that, every time I think about it,
14 I remember that they would cry and -- and you felt
15 helpless because we couldn't really do anything, anyone
16 there, and I believe it was a very difficult time in my
17 life.

18 Q. You said that pepper spray is something that
19 you didn't even see in your own country.

20 Are you claiming that this incident was more
21 traumatizing than what you saw in El Salvador?

22 MS. SWEETSER: Objection, argumentative and
23 vague.

24 BY MS. STROTTMAN:

25 Q. You can answer.

REPORTER'S CERTIFICATE

I, KIMBERLY E. LEPINS, Certified Shorthand
Reporter for the State of California, hereby certify:

THAT the witness in the foregoing deposition was duly sworn by me to testify to the truth, the whole truth, and nothing but the truth;

THAT said deposition was written by me in
stenotype and was thereafter reduced to printed matter
under my direction and supervision;

THAT the foregoing transcript is a true record of the testimony given by the witness and of all objections made at the time of the examination, to the best of my ability.

I FURTHER CERTIFY that I am in no way interested in the outcome of said action.

IN WITNESS WHEREOF, I have hereunto subscribed
my hand this 19th day of June, 2019.

Kimberly Lopez

KIMBERLY E. LEPINS
Certified Shorthand Reporter
Certificate No. 9592